DOCUMENT RESUME

ED 258 911 SO 016 667

TITLE	LRE Project Exchange: Special Issue on Excellence and LRE.
PUB DATE	85
NOTE	33p.; Portions on colored paper may not reproduce clearly.
AVAILABLE FROM	American Bar Association, Special Committee on Youth Education for Citizenship (YEFC), 750 N. Lake Shore Drive, Chicago, IL 60611 (free).
PUB TYPE	Collected Works - Serials (022) -- Viewpoints (120)
JOURNAL CIT	LRE Project Exchange; spec iss v5 n1 Win 1985
EDRS PRICE	MF01/PC02 Plus Postage.
DESCRIPTORS	*Change Strategies; Community Involvement; Curriculum; *Educational Change; *Educational Improvement; Educational Objectives; Elementary Secondary Education; Instructional Improvement; *Legal Education; Minimum Competency Testing; Teacher Effectiveness; Teacher Improvement; Textbook Selection

ABSTRACT

Tips to help persons involved with law-related education (LRE) take advantage of the current demands for educational reform are presented in this special issue, which explores how ferment for reform in education can be a boon to legal education as long as LRE educators understand the changes that are taking place and are alert to ways of making LRE part of the new package. The lead article, "Reforming America's Schools" (David T. Naylor) examines the groups that have generated the recent national reports calling for educational reform. Implications of the reports' recommendations for LRE are discussed. These implications fall into five main areas: classification of educational goals, nature of the curriculum, emphasis on competency testing, improving the quality of teaching, and simulating greater community involvement. The following six articles then discuss what LRE persons can do: "Mandating the Law" (Mary Manemann); "A Nation at Risk: LRE Responds to State Boards and Legislators" (Carolyn Pereira); "Mandated Testing and Competency Examinations" (Margaret Stimmann Branson); "Getting LRE on the Local Books" (James G. Lengel); "Making LRE Part of the Curriculum: How Eight Districts Did It" (James G. Lengel); and "Textbook Adoption and Law-Related Education" (John J. Patrick). (RM)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

X This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

LRE PROJECT EXCHANGE

BEST COPY AVAILABLE

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY
Charlotte Anderson
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

ED258911

Implications for Law-Related Education

Reforming America's Schools

David T. Naylor

Education is much in the news these days. A series of reports by prestigious national groups has focused attention on the importance of education, the quality of our educational system, and—most of all—the need for substantial, far-reaching reform of that system. After many years of neglect, education is once again forcefully staking its claim for priority on the nation's agenda.

The National Commission on Excellence in Education dramatically articulated the urgency of educational reform in the Spring of 1983 in its report entitled *A Nation at Risk*. Charged with reporting on the quality of education in America, the 18-member commission appointed by Secretary of Education Terrell Bell in August, 1981, asserted that

> Our society and its educational institutions seem to have lost sight of the basic purposes of schooling, and of the high expectations and disciplined effort needed to attain them. . . . [T]he educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a nation and as a people . . . (p. 5).

To combat this situation, the commission urged fundamental "reform of our educational system" and a renewal of "the nation's commitment to schools and colleges of high quality throughout the length and breadth of our land" (p. 6).

The national commission's report was soon followed by a number of other reports. I discuss eight of the most impor-

Special Issue on Excellence and LRE

Educational reform is everywhere these days. More than a half-dozen prestigious national reports have called for upgrading American education. Commissions on educational excellence are at work in more than half the states, and everything from teacher education, to the core curriculum, to length of the school day may be fundamentally changed.

All of this could be good news for law-related education (LRE), which is itself a reform movement in schooling. LRE seeks to improve the citizenship performance of American youngsters by teaching them about law, the legal system, and legal processes. It too seeks to upgrade the curriculum, improve teacher preparation, achieve significant changes in the attitudes and knowledge of students.

But can LRE benefit from the kind of educational reform being discussed today? Many LRE educators wonder whether the new push for excellence, with its frequent emphasis on basic skills, will limit such innovations as site visits to the justice system, mock trials, and active involvement in the community. Will there be space for LRE in the new curriculum? Will key decision-makers continue to support it?

This special issue points out that the ferment for reform in education *can* be a boon to LRE—as long as LRE educators understand the changes that are taking place and are alert to ways of making LRE part of the new package. Six articles provide tips on topics ranging from mandates to textbook selection, with special emphasis on the role of LRE educators in school districts and at the state level.

An earlier issue of *LRE Project Exchange* looks at some similar issues through the lens of research on (and experience with) school change. If you'd like a free copy of the Spring 1982 issue—or if you have any comments on this issue and ideas for future topics—please get in touch with the American Bar Association Special Committee on Youth Education for Citizenship (YEFC), 750 N. Lake Shore Drive, Chicago, IL 60611, 312/988-5729.

SP 016 667

Copyright © 1985 American Bar Association

Produced by the ABA Press

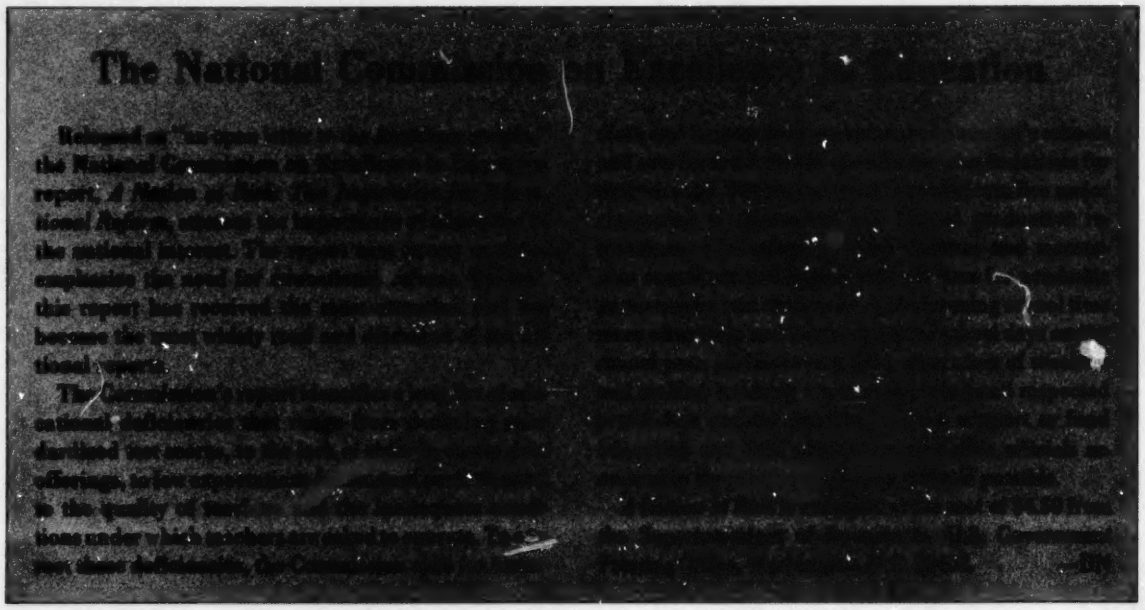
tant of the national reports in this article. Although they represent different constituencies and apply different lenses to assess our schools, these eight reports have much in common. They share common assumptions about the importance and condition of America's elementary and secondary schools and the pressing need for substantial reform of them.

We who are interested in law-related education need to become familiar with calls for educational reform. Those of us who want schools to give greater emphasis to law-related education must understand these reports if we are to make the most of the opportunities they provide.

Calls for Excellence: Eight National Reports

Before getting into the substance of the reports, it's useful to look at the groups that generated them.

- The National Commission on Excellence in Education, as already discussed, was put together by the U.S. Secretary of Education Terrell Bell. It very strongly calls for increasing the rigor of American education, and is probably the best known and most influential of the reports.
- The Task Force on Education for Economic Growth of the Education Commission of the States produced the report *Action for Excellence.* Fourteen governors, thirteen business leaders, and six educators were among the forty-one members of this task force. It too contains many specific recommendations to increase the excellence of American schools.
- An 11-member task force of the independent research foundation, The Twentieth Century Fund, produced a report called *Making the Grade.* Of the reports discussed here, it makes the strongest case for an expanded federal role in education.
- Written by Mortimer Adler on behalf of the 22-member Paideia Group, *The Paideia Proposal* is the most philosophical and earliest issued of these eight reports. It calls for widespread reform of America's elementary and secondary schools and emphasizes common learning experiences for all children.
- The National Science Board's Commission on Precollege Education in Mathematics, Science and Technology produced *Educating Americans for the Twenty-First Century.* Though its focus is on mathematics, science, and technology, it calls for improved education across the board as well.
- High school and college teacher recommendations form the basis for the College Board's Educational Equality Project report, *Academic Preparation for College.* It approaches the subject of excellence through preparing students for college, as indicated in the report's subtitle, "What Students Need to Know and Be Able to Do."
- *High School: A Report on Secondary Education in America* was produced by the Carnegie Foundation for the Advancement of Teaching. Written by former Commissioner of Education Ernest Boyer, it examines the conditions of America's high schools and proposes a sweeping agenda for reform.
- Noted educator John Goodlad wrote *A Place Called School: Prospects for the Future,* which is based on data gathered from an in-depth study of schools in 13 American communities. This book focuses on the current state of schooling in America and proposes a number of reforms to improve it.



I discuss each of these reports in somewhat more detail in the boxes that appear throughout this issue, but here focus on assumptions and recommendations drawn from the eight reports as a whole. Essentially, these eight reports assert that:

1. Education is of vital importance to the individual and to the national interest and a requisite for a full and rewarding life.
2. Elementary and secondary schooling is necessary for an informed, competent citizenry and a strong, secure nation.
3. America's promise of equal opportunity requires that all children be given equal access to a quality education.
4. Our elementary and secondary schools have failed to provide the quality of education that is needed and desired.
5. Widespread and far-reaching educational reforms are needed and must be realized without further delay.
6. While local, state, and federal institutions and agencies have important roles to play in improving the schools, the historic principle of state and local control of schools must be preserved.

Given general agreement with these assumptions, each of the reports include a number of recommendations for improving our schools. While differences exist among individual reports, as a group, they emphasize the need for:

1. Clarifying educational goals, making educational excellence a national priority, establishing explicit, meaningful learning outcomes, and providing all students with a quality education.
2. Clarifying and strengthening school curricula. Specific recommendations place strong emphasis on developing academic competencies in such basic areas as reading, writing, computing, and thinking and call for providing and requiring all students to complete more extensive, more rigorous courses in English, science, mathematics, foreign languages, social studies, and the humanities—especially the first four.
3. Raising academic standards, increasing expectations for student performance, and insisting upon excellence in student work and mastery of content areas. A number of the reports call for raising graduation and college entrance requirements and using competency tests to evaluate and report on student achievement.
4. Increasing the time spent on academic subjects in schools. While some argue that this can be done by making more effective use of the time currently available, others urge the lengthening of the school day and school year.
5. Improving the quality of teaching and the teaching profession. Recommendations call for: (a) attracting more capable people to teaching, strengthening teacher training, and making teacher certification more rigorous; (b) improving working conditions for teachers; (c) providing career ladders and more appropriate compensation for teachers; (d) developing ways to recognize and reward superior teachers; and (e) insisting upon good teaching and more rigorously evaluating teachers.
6. Marshalling the necessary resources to improve schools. The reports frequently stress the need for: (a) securing local, state, and federal support for financing needed reforms; (b) improving the management of schools; and (c) establishing effective coalitions of educators, government officials, business and labor leaders, professionals, and other members of the community to work more closely with schools and help to achieve excellence and educational equity in our schools.

Implications for Law-Related Education

Like the task forces, the law-related education movement seeks to reform schooling and improve the quality of education. While the reforms advocated by law-related education supporters may not be as broad in scope, they are nevertheless rooted in the same soil. We should welcome the current push for educational reform and lend our support to it. In so doing, however, we need to consider carefully what is being advocated and insist upon quality education for all students, not just for an elite group.

Some of the recommendations made in the various national reports have clear implications for law-related education. Essentially, these implications fall into five main areas.

Classification of Educational Goals

Few Americans are likely to quarrel with the emphasis the national reports place on excellence. On the surface, "excellence" and "quality education" are prized goals. Yet as individuals and groups attempt to articulate what they mean by those terms, disagreements inevitably develop. A clear consensus does not exist about what we mean by excellence in education, nor does one exist about what we believe constitutes the essential ingredients of a quality education.

We need a serious national dialogue on these topics. Those of us who are interested in law-related education must become part of this dialogue. We must ensure that important perspectives are shared, so that the voices calling for a narrow, utilitarian vision of education do not drown out voices calling for a broader, more comprehensive vision of education. Our current economic situation may have been the catalyst for the renewed interest in education, but it must not dictate our response.

As a national dialogue on education takes place, there is a pressing need for emphasizing and clarifying the nature, characteristics, and value of citizenship education programs. Like excellence and quality education, citizenship education is a concept to which many give lip service but about which there is no clear consensus. A number of the national reports refer to the importance of education for citizenship, but they are vague on what they mean by this. We who are interested in law-related education have an im-

portant perspective to share on citizenship education and a special interest in seeing to it that citizenship education receives the priority it deserves in any dialogue on educational goals.

Nature of the Curriculum

The national reports stress the need for widespread, substantial curriculum reform. For example, *Action for Excellence* urges

> the states and local school systems to launch energetic efforts to *strengthen the curriculum* from kindergarten through high school . . . [to provide] richer substance and greater motivational power; to eliminate "soft," non-essential courses; to involve students more enthusiastically in learning; and to encourage the mastery of skills beyond the basics (p. 38; emphasis in the original).

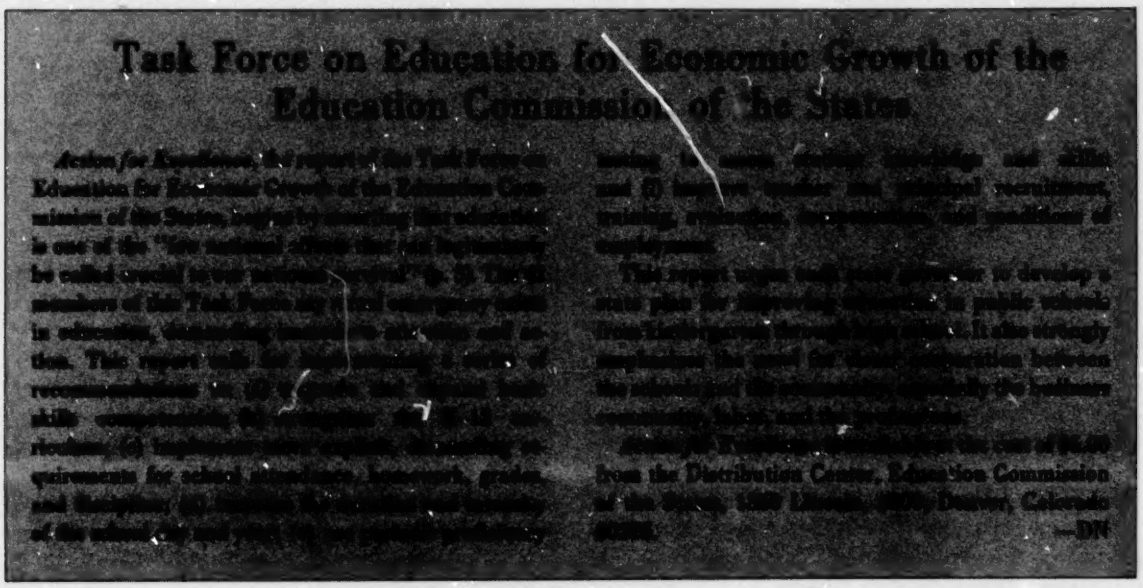
Each of the eight reports includes recommendations for strengthening the high school curriculum. Most do so by emphasizing the need for increased high school graduation and/or college entrance requirements in specific subject areas.

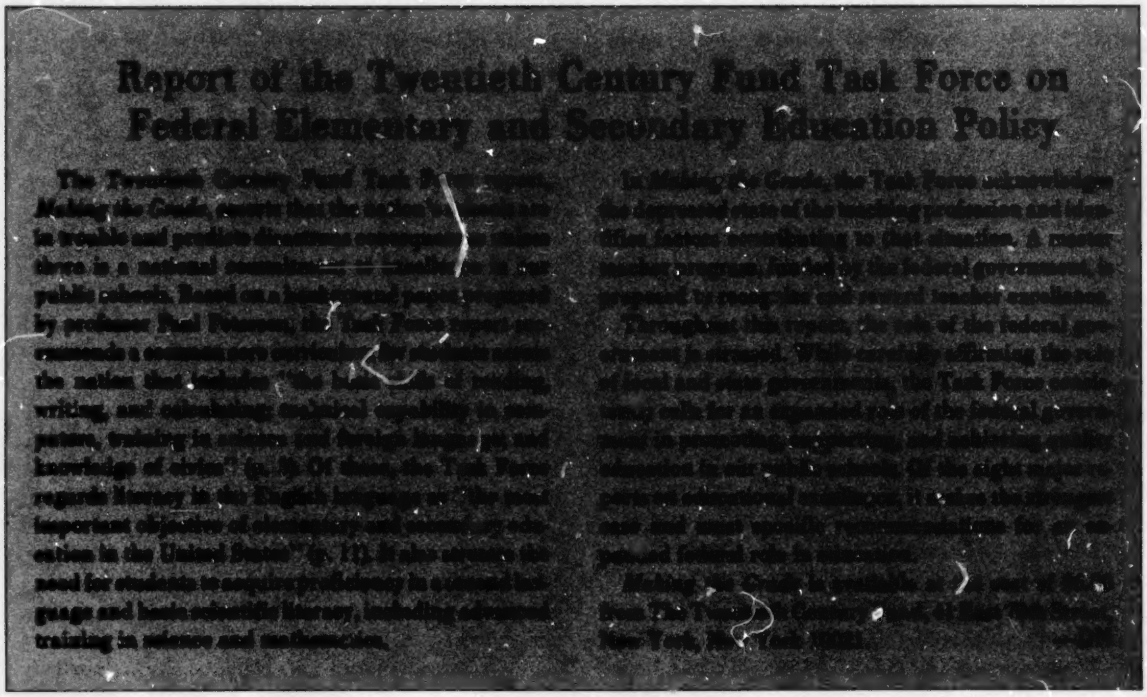
A Nation at Risk illustrates one approach. It recommends that all students seeking a high school diploma be required to complete: (1) four years of English; (2) three years of mathematics; (3) three years of science; (4) three years of social studies; and (5) one-half year of computer science. It also strongly recommends two years of foreign language for the college-bound. *High School, A Place Called School,* and *The Paideia Proposal* illustrate another approach. These reports call for the establishment of a common core curriculum, a specific set of courses that all students would be required to take. While establishing specific years of study in specific subject areas, the approach advocated in *A Nation at Risk*, creates a type of core curriculum, it differs from the approach of requiring *all* students to complete a majority of the same courses in the specific subject areas. Under these proposals, students complete a specific social studies course (U.S. History) rather than choose from among several social studies courses.

The reports are not alone in their calls for curriculum reform. Many states and local districts have already initiated changes in high school graduation requirements. A number of colleges and universities have also taken action by raising admission standards to require applicants to complete more coursework in science, mathematics, English, and other subjects. (See, for example, *The Nation Responds: Recent Efforts to Improve Education,* published by the United States Department of Education in May, 1984.)

Where does law-related education fit in these calls for curriculum reform? This is an extremely important question. While the national reports place strong emphasis on English, science, mathematics, and foreign language, they do not totally ignore social studies—the most fertile ground for law-related education. For example, *A Nation at Risk* includes social studies as one of the essentials of a strong curriculum. *Making the Grade* emphasizes the importance of civics in a quality education. *Academic Preparation for College* provides both a rationale for social studies and a description of the knowledge and skills it should foster. And *High School* argues forcefully for the inclusion of social studies in a common core curriculum for high school students. (In fact, Boyer cites as models two law-related education classes which his research team observed. One of these featured a mock trial and the other a unit with courtroom observation, speakers in the classroom, and student interviews with jurors and prosecutors.) Yet, despite general support for social studies, some of the recommendations in the national reports appear to threaten efforts to make law-related education a significant part of the social studies curriculum.

Elective courses represent perhaps the most successful





way law-related education has become a meaningful part of high school and junior high school curriculum. However, some of the recommendations in the national reports attack elective courses, thereby threatening the staying power of courses already in place as well as the potential for adding others. Recommendations to reduce a "smorgasbord" curriculum may mean that fewer elective courses will be offered. Increased graduation requirements in mathematics, science, and foreign language, as well as the likelihood of additional courses in and greater stress on these subject areas, may limit and/or divert students from enrolling in law-related courses. The establishment of a core curriculum or moves to develop more standardized curriculum patterns may inhibit the growth of or even eliminate law-related elective courses in many schools.

Those of us who are interested in law-related education must reaffirm the importance of law-related education and make clear how and where law-related education fits in a quality curriculum. In so doing, we must develop appropriate strategies to guarantee that law-related education is included in the curriculum changes which are taking place now and those which will inevitably follow in subsequent months and years.

Emphasis on Competency Testing

Competency testing, or using some form of common tests to measure subject matter knowledge and skill proficiency, is emphasized in many of the national reports. It is an idea which has been gaining strength. In *Action for Excellence*, the Task Force on Education for Economic Growth reports that "Thirty-seven states now have some form of competency testing or assessment of student achievement to measure educational effectiveness" (p. 46). Thus, whether we support or oppose the idea of competency testing, it is clear that competency testing is rapidly becoming a fact of life in most states. We can ill-afford to ignore this reality.

If law-related education is to be an integral part of the curriculum, then local, district, or statewide competency tests must include items which measure student mastery of law-related content and skills. In the past, the tendency has been for schools to use competency tests to measure students' knowledge and skills in reading, writing, and mathematics. One of the consequences has been that, in the elementary grades, those three areas are over-emphasized and other subject areas ignored. In some elementary schools, science and social studies instruction has all but disappeared.

The new mood seems to be in the direction of competency testing in all subject areas. As this takes place, we must make sure that law-related content is included in the testing process. If it is not, then teachers are very likely to ignore law-related education, realizing that it is neither prized nor rewarded.

Competency testing can provide a new stimulus for law-related education. In both the development of the tests themselves as well as in the process of choosing a particular version of a test, we have an opportunity to shape the nature and content of the school curriculum.

Improving the Quality of Teaching

Since the teacher is the key to quality education, it is not surprising to find that the national reports emphasize improving the quality of teaching and the quality of conditions for teaching. Recommendations in this area are many. They

range from reforming the way teachers are recruited, trained, and certified, to reducing class loads and routine assignments, to raising teacher status and compensation, to increasing career opportunities for teachers, to evaluating teacher performance more rigorously and effectively. It is clear that law-related edcation also has a vital interest in improving the quality of teaching and the teaching profession. Recommendations for this purpose merit careful attention, thoughtful consideration, and support.

Some of the most intriguing recommendations concern proposals to lengthen the period of employment during a school year or to provide additional ways to allow time for teachers to participate in professional growth opportunities. For example, *A Nation at Risk* recommends that school boards adopt an 11-month contract for teachers, the additional time to be used to involve them in curriculum improvement and professional development activities. In *High School*, Boyer recommends that a two-week "Teacher Professional Development Term" be added to the school year, with appropriate compensation for teachers to use the time for study and instructional improvement. Both *High School* and *Making the Grade* recommend a special type of sabbatical program—the former a paid "Summer Study Term" and the latter a five-year "Master Teacher" program.

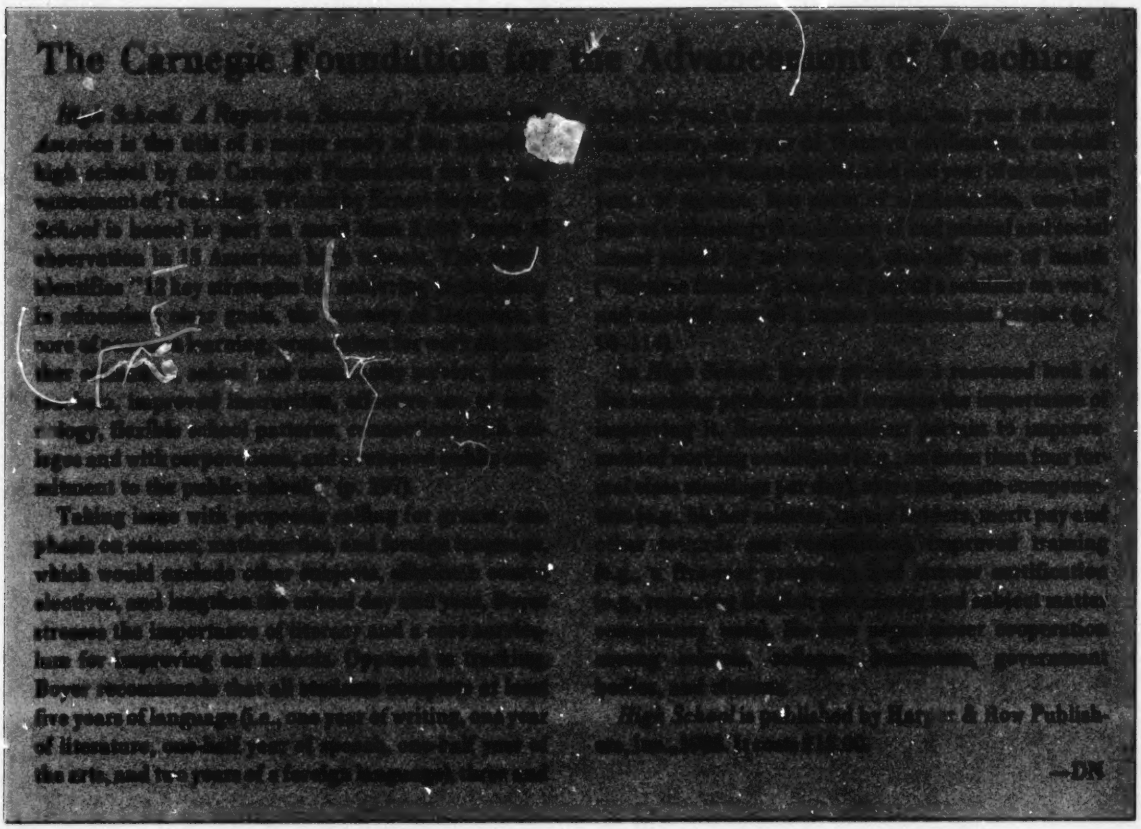
The law-related education movement has long recognized the vital role of the classroom teacher and the need for professional growth. Law-related projects sponsor teacher-training workshops in law studies and often provide tuition grants, stipends, and/or reimbursement of expenses. If recommendations of the kind discussed above are acted upon, law-related teacher education programs could benefit greatly. Hence, we should lend our support to initiatives enabling teachers to grow professionally, especially those which build in such opportunities as part of the teachers' regular contract responsibilities. Boyer reminds us that

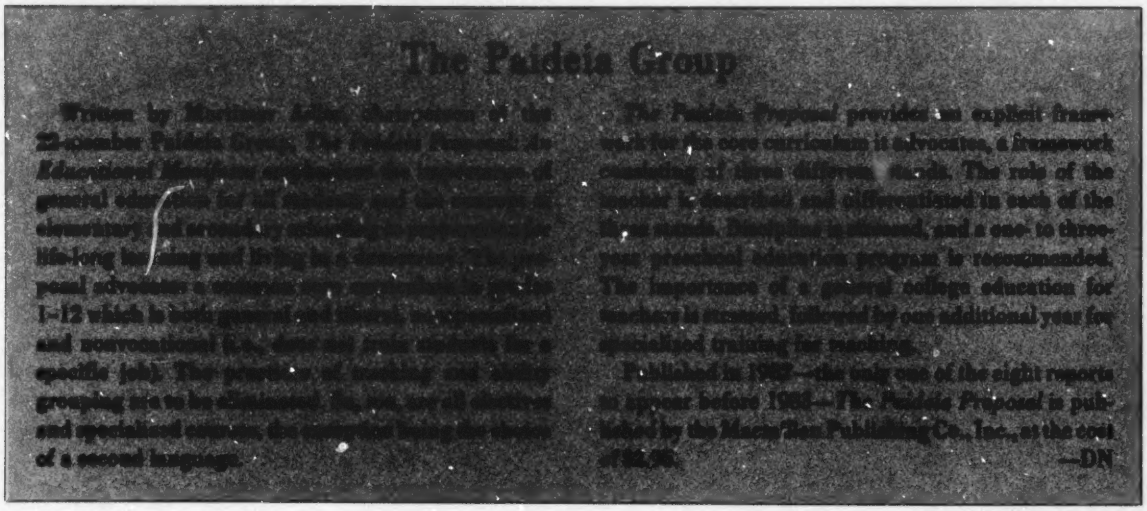
> Whatever is wrong with America's public schools cannot be fixed without the help of those teachers already in the classrooms. Most of them will be there for years to come, and such teachers must be viewed as part of the solution, not the problem. . . . (pp. 154-155).

Stimulating Greater Community Involvement

In *Action for Excellence*, the Task Force of the Education Commission of the States urges the creation of "broader and more effective partnerships for improving education in the states and communities of the nation" (p. 35). More specifically, the Task Force strongly recommends that "leaders outside the traditional educational system . . . take specific steps to help improve the schools" (p. 35). Suggestions for doing this include team teaching, teacher training, on-site experiences for students in the community, recognition for outstanding teachers, and ways of marshalling resources needed to pay for quality education.

Law-related education has long recognized the need for





The Paideia Group

Written by Mortimer Adler, chairman of the 20-member Paideia Group, *The Paideia Proposal: An Educational Manifesto* outlines the elements of quality education for all students and the elements necessary for lifelong learning and living in a democratic society. The panel advocates a common course of study for grades 1-12 which is both general and liberal, not specialized and nonvocational. The three-year post-secondary program is to prepare students for a specific job. The panel also recommends that ability grouping and tracking be eliminated, that small classes and specialized courses for students learning English as a second language

The Paideia Proposal provides an explicit framework for its core curriculum it advocates, a framework consisting of three different kinds of instruction. The role of the teacher is described and differentiated in each of the three areas. Exemplary assessment, and a one- to three-year vocational follow-up program is recommended. The importance of a general college education for teachers is stressed, followed by one additional year for specialized training for teaching.

Published in 1982—the only one of the eight reports on review before 1983—*The Paideia Proposal* is published by the Macmillan Publishing Co., Inc., at the cost of $15.95.

—DN

and value of community involvement. Lawyers, judges, police officers, corrections officials, legislators, and others continue to be deeply involved in law-related education programs in schools across the country. They participate regularly in such programs as "lawyer (judge, police officer, etc.) in the classroom," mock trials, court tours, ride-alongs and other "shadow experiences," and teacher training. They serve as members of local, county, state, and national law-related education advisory boards. Bar associations help to sponsor and finance law-related centers and programs, publish and distribute curriculum materials, conduct mock trial competitions, and sponsor both teacher training and teacher recognition programs. In law-related education, community involvement is both extensive and pervasive. It is one of law-related education's greatest strengths.

The national reports which call for closer ties between schools and community members and organizations serve to remind us of how important community involvement has been to law-related education. We must ensure that bridges which have been built do not deteriorate after a grant ends or after an initial phase concludes. We need to reinforce those bridges and try to build new ones. In some states, statewide law-related advisory boards and/or programs have yet to be formed. This is also true of many communities within the 50 states. Having the national reports reaffirm the importance of community involvement should serve as a stimulus for us to strengthen what is already in place and achieve greater community support for law-related education.

Conclusion

Clearly there is much in the national reports that is critical of America's elementary and secondary schools. There is much in the reports with which to take issue. Defensiveness and denial may be natural reactions, but they are not necessarily the wisest. Scrutiny and criticism carry with them the promise of opportunities for real change and for coming closer to realizing the goals of excellence and quality education for all in America's schools.

Changes have already begun to occur. In *The Nation Responds,* the U.S. Department of Education reports on recent initiatives reported by the states and the District of Columbia as of Spring, 1984. It indicates that, of the 51 jurisdictions, 35 have approved changes in high school graduation requirements, 22 have approved curriculum reforms and 23 others are considering such reforms, 21 are involved in efforts to improve textbooks and instructional materials, 42 are considering competency testing for students and 29 have approved or enacted such programs, 8 have lengthened the school day, 7 the school year, and 18 have instituted mandates involving the amount of time of instruction. In addition, nearly half of them are examining master teacher or career ladder programs and six have initiated statewide or pilot programs (p. 146).

Like the joke about the farmer who used the two-by-four to get the mule's attention, the national reports are "big sticks" which have succeeded in getting our attention. What's needed now is for us to recognize the possibilities for and implications of change in our schools and to do what we can to bring about meaningful change. Boyer suggests that recent concerns about America's schools offer "fresh hope" that a serious, coherent plan for school reform will be adopted. He regards the current interest in our schools as constituting "the best opportunity we will have in this century to improve the schools" (p. 1). This is an opportunity we cannot afford to ignore or neglect. In the words of one of America's more popular fictional figures, this is "an offer we cannot afford to refuse."

David T. Naylor is director of the Cincinnati Center for Law-Related Education and a professor of education at the University of Cincinnati. He also serves as the head of the Department of Curriculum, Instruction and Vocational Education.

Mandating the Law

Mary Manemann

The call for improvement in U.S. schools has included pressure from more—and stricter—laws to help do the job. Existing mandates—including both statutes and state education department regulations—vary from state to stae. So do the results they get. If you're considering using mandates to help establish law-related education in your state, you'll want to know what works and what doesn't.

The ABA Special Committee on Youth Education for Citizenship explored why some mandates have an effect and others don't in *Mandate for Change: The Impact of Law on Educational Innovation* (published in 1979). This book looks at how written stipulations affect law-related education in all 50 states, using as case studies the following five states: California, Georgia, Illinois, Pennsylvania and Texas. The findings from this book can help you determine whether you want to try to alter your state's mandates and, if so, which changes in the mandates might have the most impact.

Should You Go That Route?

Many people have assumed that (1) mandates are more or less meaningless as a way to affect the curriculum, and (2) to the extent that mandates do have an impact they are disliked by teachers and administrators. The data collected in *Mandate for Change* paint a different picture.

Researchers found that almost every state has mandates that require teaching about law-related topics such as American history, American government, and the state and federal constitutions. Most teachers and administrators interviewed for the book believed mandates do help define the curriculum. While these educators generally didn't think that mandates were a *major* factor in shaping the curriculum, about two-thirds felt that they had some effect—helping, directing, reinforcing, requiring.

While some feared that new mandates will inundate an already crowded curriculum and prove meddlesome—as one suburban Chicago principal said, "you'll find you limit by mandating too much—by a three-to-one margin teachers and administrators were more interested in increasing requirements than in decreasing them. As one California teacher said, "I would fight to get more. The cutting of requirements hurts my teaching by not allowing me the time needed to cover materials adequately."

All in all, *Mandate for Change* suggests that mandates can be effective and may well not be resisted by teachers and administrators. Of course, conditions vary greatly from state to state, and LRE educators in a given situation may well not want to tinker with mandates. But given that mandates are clearly here to stay and that legislatures are more and more inclined these days to add to them, you may want to explore getting more law into the schools by getting more on the books—or at the very least to find a way to give the mandates already in effect more force.

Be Specific

Mandate for Change discovered the more specific a mandate is—the more it requires a course to be taught or a test taken—the more closely teachers and administrators will adhere to it. Legislatures often are not specific when mandating, opting for codes which deal with the values the legislature wants conveyed, not the means of conveying them. For example, an old law in California requires teachers "to impress upon the minds of the pupils the principles of morality, truth, justice, patriotism, and a true comprehension of the rights, duties and dignity of American citizenship. . . ." but does not suggest where these values should fit in the curriculum. By passing such vague statutes, legislators rely on professional educators at state education departments and local school districts to hammer out the details of a program.

This makes sense in theory, given that educators are closer to the schools and are skilled in shaping the curriculum, but in practice it often means that the mandated topics get lost in the shuffle. This is one of the problems with most of the existing mandates that touch on the law. Topics like teaching about the Constitution and Bill of Rights are often assumed to be covered in "civics" or "American government" courses, but there is little follow-up to see if they are, and rarely do educators realize that these topics are part of the mandates.

One way to see that topics are recognized as being required and are actually taught is to make them the center of new required courses. If there is a requirement that the schools teach a course on the state constitution or on the court system, then there is a far greater likelihood that the topics which are the backbone of the new course will be taught. As long as the state requires that a course be offered—or, in an even more effective step, specifies that it is a graduation requirement—local educators will have a measurable standard to meet, and it is likely the course will appear.

Another option is not to require a course *per se* but to require that students pass a test before they can graduate. Again, this gives local districts a specific standard that they must meet. The mandate used in Illinois illustrates how a specific statewide requirement—in this case, a test on the U.S. Constitution—helps assure statewide compliance, although each district is left free to make up and administer its own test.

Tell Them About It

The way a state education department communicates with local districts often decides how local educators perceive mandates, how aware teachers and administrators are of what the mandates require, and how well they comply with the mandates' provisions.

Why is the transmision of educational mandates essential? First of all, statutes are scattered throughout the legal code. No one can reasonably expect teachers to pore over statute books to collate educational mandates in their spare time. Second, the barest of information may reach teachers—that American history must be taught or that a new course titled such-and-such is to appear—with no guidance as to what it should cover and why it is to be offered.

State departments of education might seem the most logical disseminator of information about mandates, but only 16 percent of the teachers interviewed for *Mandate for Change* had learned of mandates through their state departments. What should be another means to formally communicate mandates—college courses for prospective teachers—failed to provide much information either. Although 80 percent of the teachers interviewed had attended college in the state where they were teaching, again only 16 percent said they learned about state mandates in their college days.

The largest number of teachers, 42 percent, said they had learned of the mandates through their school's administrators. Administrators were nearly twice as likely as teachers to have learned about mandates from their state departments of education. Evidently, although teachers do not get information from the state departments directly, they can rely in part on local administrators to be conduits of information. However, this line of communication is not exploited as completely as it could be. Nearly one-half of the administrators learned about mandates on the job, in a catch-as-catch-can manner.

Although the channels to inform local administrators and instructors about *existing* state mandates seem to be clogged, there is good news for those who are thinking about augmenting their state laws: information about *changes* in mandates is relayed in a much more formal and orderly fashion. Nearly all of the superintendents and two-thirds of the principals questioned had learned of innovations in the code through the state education department. Eighty-one percent of the teachers said their source of information about changes was the administration. Given these figures, proposed changes in the educational code will probably be conveyed to teachers through the educational hierarchy.

An LRE Mandate in Your Future?

Many educators see mandates as an unprecedented opportunity to influence the curriculum, particularly as legislators' savvy increases and they write laws tied to outcome measures or to funding of local districts.

Lawmakers are realizing that mandates are not in and of themselves self-executing. If the language of a mandate is vague, if there are no standard measures for compliance, and if no consequences exist when teachers or students fail to comply, a mandate will be reduced to an exalted—yet

empty—prescription. The mandate must go beyond generalities and require educators and students to actually *do* something to comply. And provisions within the mandate must insure that there will be some type of yardstick by which compliance may be measured.

At the same time, new mandates should be open-ended enough not to be stifling. Mandates may be written so that they can be adapted to local practice. At present, Illinois statutes set minimum requirements for schools but stress that educators may elect to go above and beyond the call of duty—and to demand in-kind performances from their students. Mandates should permit instructors to creatively implement the prescribed course of study, using films and paperbacks to supplement and enliven required textbooks. If teachers know what mandates demand, they can experiment and innovate while still falling within the pale of what is acceptable to state authorities.

And new mandates—or renewed attention to old ones—should be linked to sources of support. Teachers shouldn't be allowed to feel that a burden is being imposed on them, but rather that the requirement to educate effectively about law, legal process and the legal system is part of a well-coordinated effort to improve the schools. There can then be extensive planning (in which teachers would participate) on how best to implement the mandate to teach about law. This would coincide with a new emphasis on law in the undergraduate preparation of teachers, resources for teachers like curriculum guidelines and supplementary materials from the state department of education, funds for extensive in-service teacher education, and other means of making the new requirement part of the consistent, rational system.

For those interested in a more in-depth look at law-related education and mandates, *Mandate for Change: The Impact of Law on Educational Innovation* is available from Youth Education for Citizenship, 750 North Lake Shore Drive, Chicago, IL 60611. Make checks ($9.95 plus $1.00 handling charges) payable to the American Bar Association.

Mary Manemann is a recent graduate of Northwestern University and a staff writer for the ABA's Public Education Division.

A Nation at Risk: LRE Responds to State Boards and Legislators

Carolyn Pereira

Americans as a whole are people who believe problems have solutions; that most problems can be solved; and that laws and money are an essential part of solutions. So when several recent studies of education concluded that the education provided to Americans was increasingly mediocre and "threatened our very future as a nation and a people" (see David Naylor's article in this issue), governors legislators, state boards of education, and the private sector got busy. The recent studies spawned several statewide task forces which have proposed or enacted changes of interest to law-related educators.

In more than 40 of the states either the legislature and/or the state board of education has enacted or has under consideration laws that will impact on education (see chart on pages 11, 13, 15.) The emphasis has been on basic skills, mathematics, and science. Although social studies and law-related education are not in danger of extinction, they are not a top priority with legislators or the public. The money being made available to education for curriculum and staff development is not earmarked for LRE. For that to happen, LRE people must use this time of ferment and change in education to convince leaders that law-related education can help schools achieve excellence.

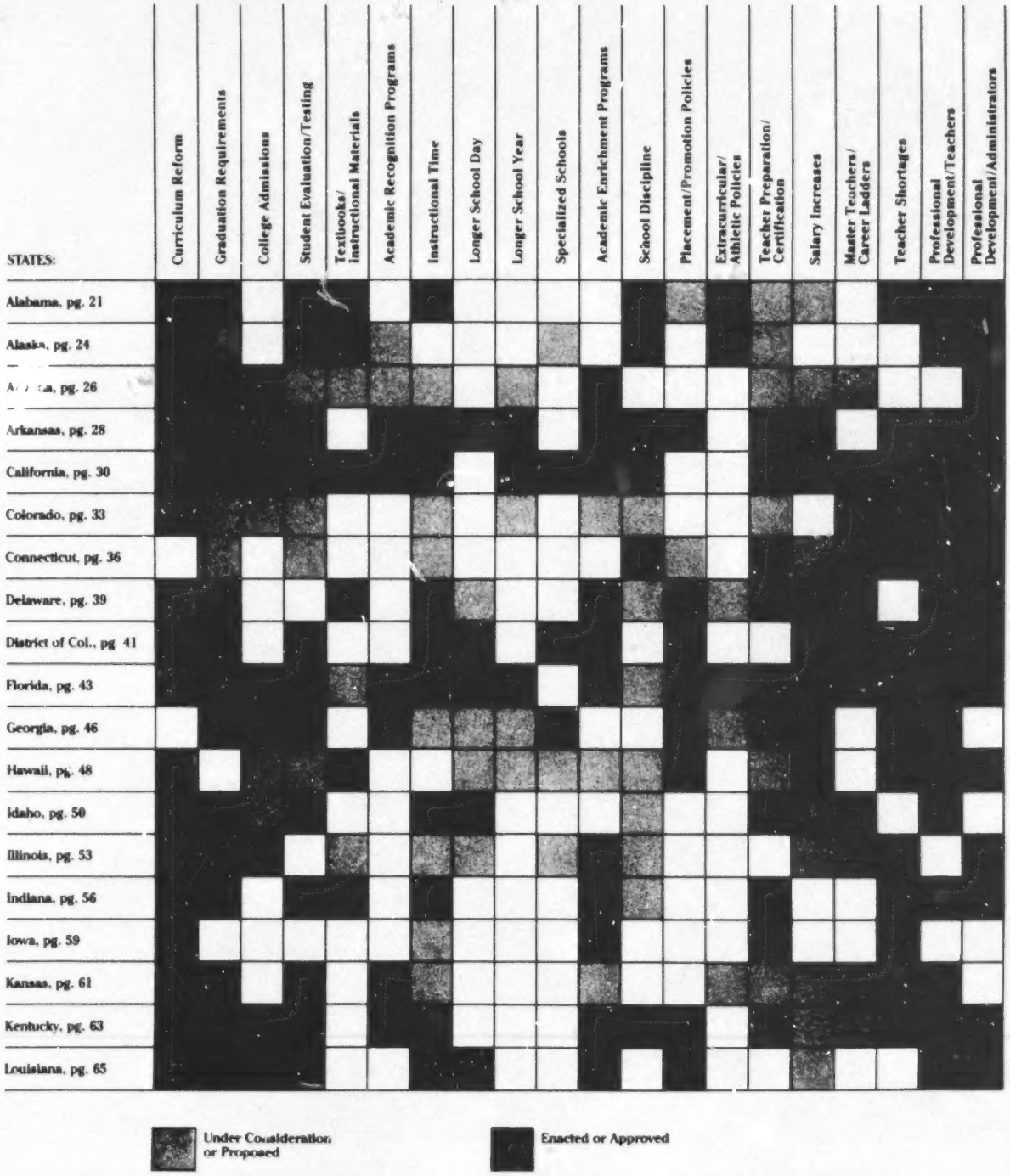
According to *The Nation Responds*, a report issued by the U.S. Department of Education in May of 1984, the Education Commission of States counted 275 state-level task forces working on education in the past year. Governors' "State-of-the-State" messages in 1984 had as a predominent theme excellence in education. Although many states have been working on these issues for several years, *The Nation Responds* clearly indicates that the reports on educational excellence have focused everyone's attention on education. A May 1983 Gallup Poll indicated that 58% of American taxpayers would support increased funding for education, but only if quality would be assured. A Fall 1983 poll by the Public Policy Analysis Service indicated that over 70% of those surveyed agreed that the erosion of public education threatens "our future as a nation."

As a result, the states are experimenting with changes in graduation requirements, length of school days, teacher education and many other aspects of schooling.

Laws and money aren't ever enough to really change things for the better. Several factors are necessary before

(*continued on page 12*)

RECENT INITIATIVES REPORTED BY STATES AND THE DISTRICT OF COLUMBIA



U.S. Department of Education, *The Nation Responds*, May 1984, U.S. Gov't. Printing, Washington, D.C. 20402

educational change is effective. Law-related education can play an important role to help insure that these mandates and competency measures strive for and reflect a much more comprehensive and useful view of education.

This article examines what LRE can and has done with state legislators and state boards of education as they react to *A Nation at Risk* and other such reports. How might these recommendations either help or hurt quality law-related education? How can LRE help reduce the mediocre education currently being offered to too many students across the land? What opportunities do these recommendations offer LRE educators?

The reports and actions of the states can be seen in the context of six categories:

1. What is being taught
2. How it is being taught
3. The time needed to teach it
4. Who will teach it
5. How it will be supported
6. How it will be evaluated

1. What Is Being Taught

Curriculum reform either is under consideration or has been approved by 45 states. The national reports all recommend curriculum reform—most in "basic skills" (reading, writing, speaking, math, science, computers). The outcomes sought by the reports included literacy, employability, fulfillment of a student's personal goals, and good citizenship. Although it may be argued quite reasonably that law-related education has a place in each one of the recommended curricular reforms (we have all challenged our workshop participants and students to think of something that isn't law-related), its most obvious contribution is in helping students acquire the knowledge, skills, and attitudes necessary for informed, responsible, participatory citizenship.

Statewide curriculum reform does not occur overnight. Curricular reform can come in more than one form. New courses, new goals and objectives, new course outlines, are all possible ways to impact on curriculum. Fortunately, the new push for excellence has not reduced the number of social studies courses required for graduation. Some states have even increased graduation requirements in social studies. And all these courses can benefit from LRE. Content within any course of study should reflect the field realistically and select the most salient topics while giving a balanced view. Most social studies courses would not be able to do this without law-related education. Law-related education offers many courses crucial insights. Without law-related education, without the great cases of the Supreme Court, U.S. History lacks insight into enduring American values. Without LRE, Government is often memorizing the chart on how a bill becomes a law.

By 1989 in New York State, high school graduates will have to complete four years of social studies, and the courses will have a strong law-related strand. World history, the 10th grade course, must include international law and comparative legal systems. Law must be incorporated in the 11th grade U.S. history through a heavy emphasis on court cases. The senior year of social studies will be spend studying economics and law/government equally.

Under new course descriptions and standards being developed in Utah, three units of social studies will be required for graduation from high school. LRE will be one of five core options from which a ½ unit of this requirement must be chosen. And LRE may be part of other courses too. New course descriptions, specific standards, and learner objectives for the K-12 core social studies curriculum will be given to the 40 school districts in the state to further refine. It will continue to be up to the school district and individual teacher to translate such general mandates as "introductory practices and principles of citizenship will be mastered by K-6 students" into a curriculum which can help children understand "good" citizenship, but there is a good likelihood that LRE concepts and activities will enrich many courses.

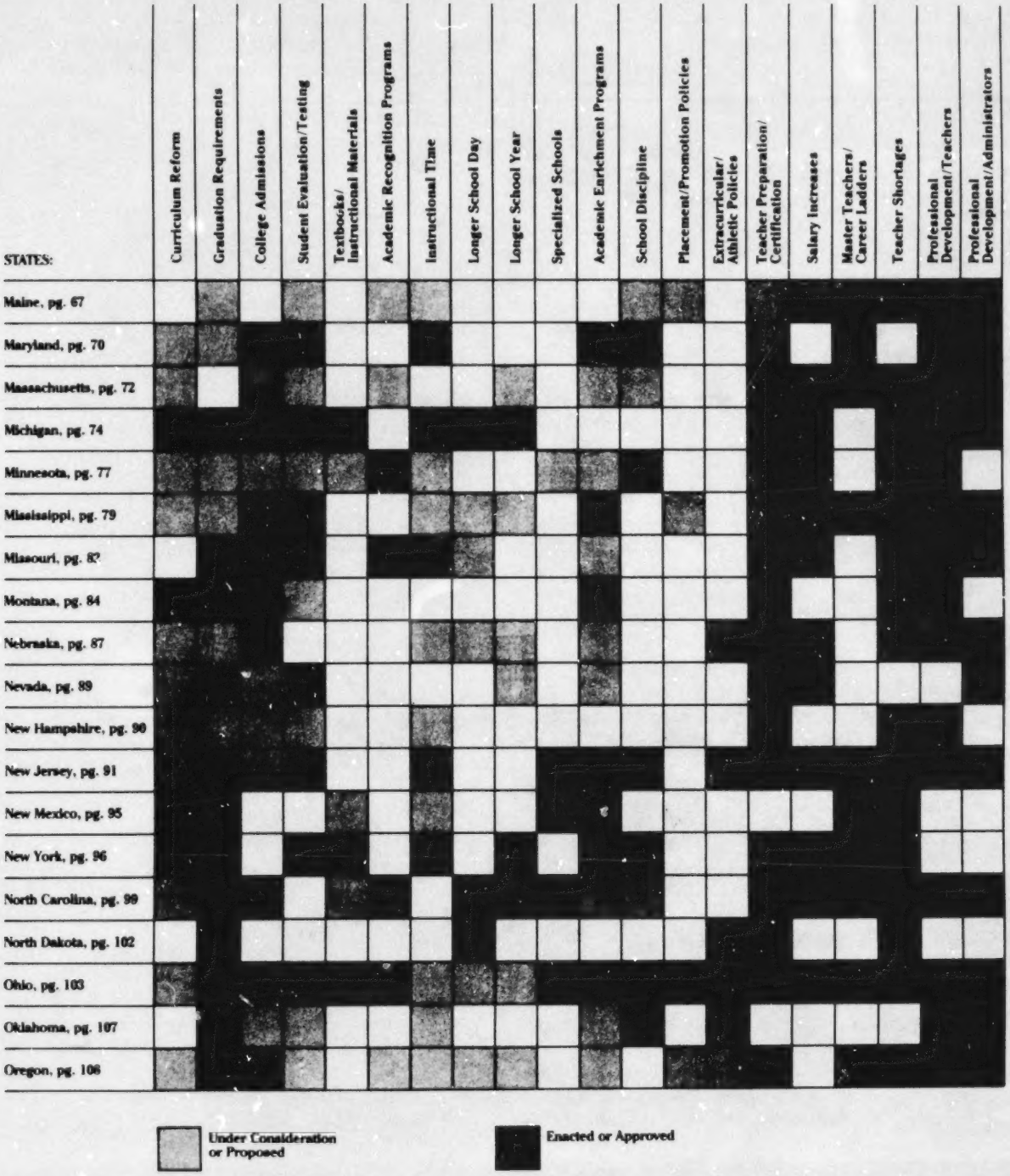
These examples of curriculum reform began long before the national reports were issued and the state task forces were formed. Two other states whose efforts also go back a ways—Kansas and North Carolina—provide good models for change. Both are examples of partnership between education and law-related professionals. A wide variety of people from education, law, government, and the private sector played and continue to play important roles. In Kansas, the curricular change was initiated by the bar; in North Carolina the change was initiated by the Social Studies Division of the Department of Public Instruction. Both began in the early 1970s.

The first major effort at providing more directions for LRE in Kansas occurred after the Kansas Bar Association Law in Education Task Force conducted a study of law instruction in social studies classrooms. It reported that there existed throughout the state "a general negativism regarding law." The task force concluded that this was due to a "lack of legal knowledge and misinformation." This led to the formation of an ad hoc legal study group involving the bar and education (through a university and a local school district). Several other coalitions were formed, culminating in 1983 with the State Department of Education, the Supreme Court, and the Kansas Bar Association appointing a 12-member Joint Commission on Public Understanding of the Law and directing the commission to establish LRE priorities in Kansas and find ways to put them into practice.

North Carolina also began in the early 70s, but at the initiative of social studies educators. The state Department of Public Instruction called together state bar representatives, judges, legislators, law enforcement personnel, ad-

(*continued on page 14*)

RECENT INITIATIVES REPORTED BY STATES AND THE DISTRICT OF COLUMBIA



ministrators, teachers, students, and members of citizen groups to form a statewide LRE advisory group which is still alive and well today. This powerful coalition was able to mandate a required 9th grade course on the legal, political, and economic systems and establish a law-related strand throughout the K-12 state social studies curriculum.

2. How It Is Being Taught

A most encouraging aspect of the national reports is that eight of them recommended putting more emphasis on teaching methods which would encourage thinking and problem solving. The initiatives reported by the states to respond to this recommendation often take the form of lengthening instruction time (the more is better syndrome) and creating specialized programs and schools (these are less popular due to the high cost). Although the states generally acknowledge the limitations of the lecture method and recognize the need for active instead of passive learning, no state has mandated schools to use methods of instruction which accommodate differences in learning styles and increase active learning experiences.

The wide variety of methods typically employed in LRE offer hope for the experiential, visual, and auditory learner. They help develop life skills as well as academic skills. However, several LRE leaders interviewed expressed concern that what was happening in their states could reduce the powerful LRE experiences available to students.

For example, in Texas students can now be out of the classroom no more than five days a term. This effects the courthouse tour programs, field trips, mock trial competitions, and internship that have been sponsored by LRE projects and bar groups across the state.

Preserving and enhancing the participatory methods used in quality LRE is a challenge to all statewide programs. As Mississippi explores mastery learning it will not have the resources to emphasize LRE methods. Schools will be so busy trying to comply with Mississippi's statewide competency requirements that they will have little time to consider LRE methods (or new elective or infusion LRE programs), even though it has a strong citizenship strand throughout its scope and sequence. Unfortunately, Mississippi is not unique.

3. The Time Needed to Teach It

The time allocated to learning anything should be "enough." The recommendations encourage time-on-task reforms and usually define instructional time to be time spent in class. The time on task recommendations are in keeping with good instruction but can be of serious concern to LRE, since the implication that instructional time should be in-class time threatens the power of structured field experiences.

Longer days and even longer school years are also being looked at by state boards and legislators. Will these changes alone insure that anything is "covered" in sufficient quantity and depth?

One way to help insure that time is allocated to LRE is to influence the goals, objectives, and competency measures developed by state departments of education. Examples abound throughout the nation of educators, the bar, the courts, and legislators having a successful impact on these measures. The New Mexico Bar was able to get an LRE leader placed on key committees writing minimum competencies for social studies. This insured a law-related strand throughout the curriculum. California has a most impressive social studies framework with a strong LRE stand thanks to a long standing effort on the part of educators.

4. Who Will Teach It?

The need for ongoing staff development and team building is recognized by most of the reports and the states' response to them. Guidelines for teacher preparation and certification and professional development emphasize the need for better equipped staff and offer suggestions on how to improve the teaching staff. There is at least lip service to the notion that no change will be effective unless teachers understand how to implement the change in the classroom. However, the clear emphasis is on improving math, science, computer, and basic skills teachers. Salary incentives ususally revolve around seeking professional development in those areas, not social studies or law-related education.

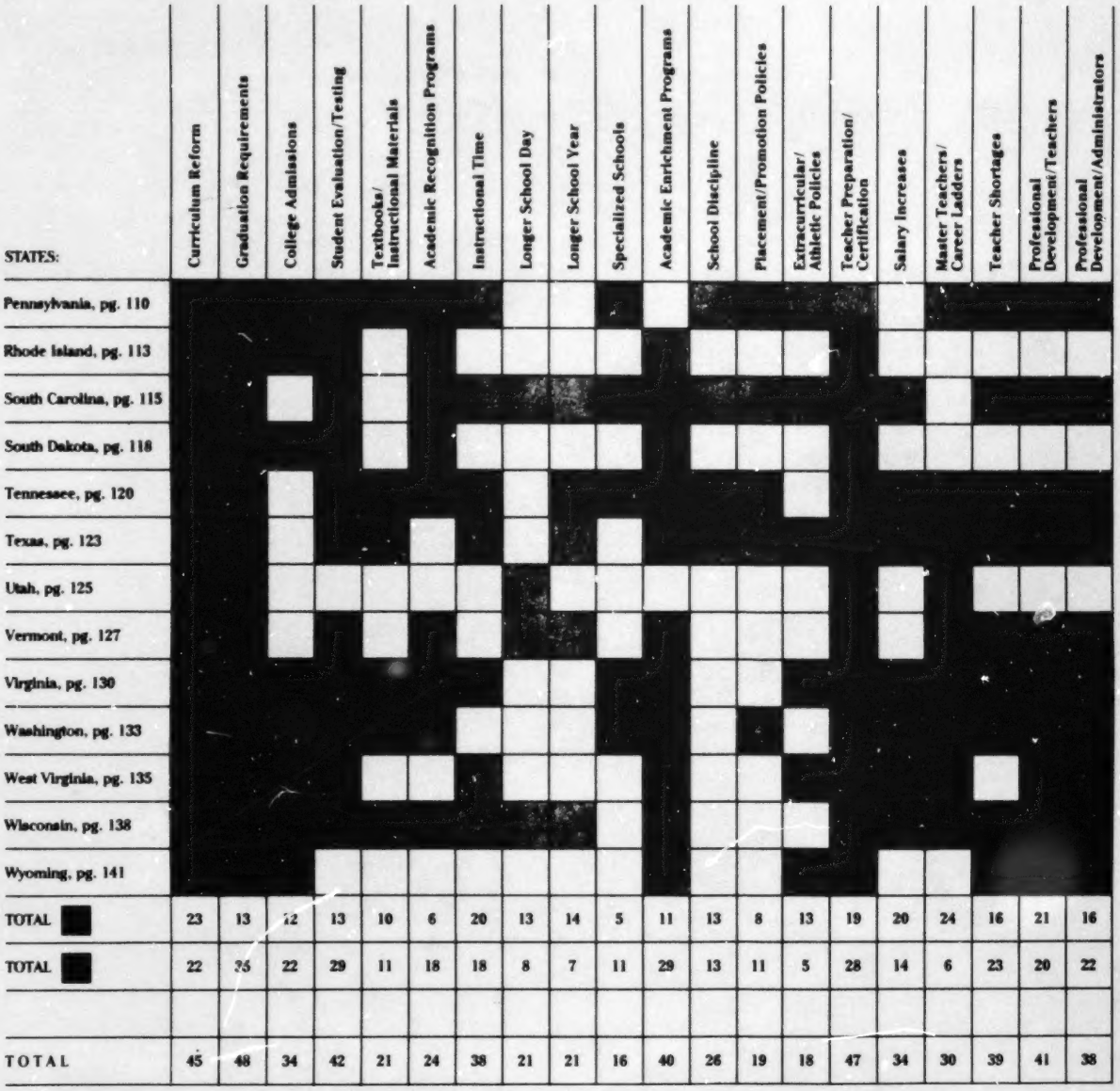
Educational agencies may have diverted their energies and resources to staff development in other areas than LRE, but bar associations can be an excellent source for continued staff development opportunities. The New Mexico State Bar is the strongest force for LRE in New Mexico. Twenty-four school districts continue to contract with them for LRE services, including staff development. Universities, particularly those with law schools, can also serve as effective staff development agents. Oregon and Iowa are two examples of this model. In addition, eleven states are currently working on LRE staff development through a national training and dissemination grant from the Office of Juvenile Justice and Delinquency Prevention. (See *LRE Report*, Fall, 1984).

5. How Will It Be Supported?

When state boards and legislators mandate changes—particularly if withholding of funds is threatened for noncompliance—administrators tend to support the change. Administrators must respond to these pressures, adjusting priorities as necessary. Unfortunately the reports and subsequent action taken in many states force administrators to move LRE down in their list of priorities. It is interesting to note, however, that only two of the national reports recommend increased funding for education. The funds made available to state departments of education have certainly not increased for the social studies and in some cases have been dramatically reduced.

North Carolina will be a state to watch. The North

RECENT INITIATIVES REPORTED BY STATES AND THE DISTRICT OF COLUMBIA



STATES:	Curriculum Reform	Graduation Requirements	College Admissions	Student Evaluation/Testing	Textbooks/ Instructional Materials	Academic Recognition Programs	Instructional Time	Longer School Day	Longer School Year	Specialized Schools	Academic Enrichment Programs	School Discipline	Placement/Promotion Policies	Extracurricular/ Athletic Policies	Teacher Preparation/ Certification	Salary Increases	Master Teachers/ Career Ladders	Teacher Shortages	Professional Development/Teachers	Professional Development/Administrators
Pennsylvania, pg. 110																				
Rhode Island, pg. 113																				
South Carolina, pg. 115																				
South Dakota, pg. 118																				
Tennessee, pg. 120																				
Texas, pg. 123																				
Utah, pg. 125																				
Vermont, pg. 127																				
Virginia, pg. 130																				
Washington, pg. 133																				
West Virginia, pg. 135																				
Wisconsin, pg. 138																				
Wyoming, pg. 141																				
TOTAL ■	23	13	12	13	10	6	20	13	14	5	11	13	8	13	19	20	24	16	21	16
TOTAL ■	22	35	22	29	11	18	18	8	7	11	29	13	11	5	28	14	6	23	20	22
TOTAL	45	48	34	42	21	24	38	21	21	16	40	26	19	18	47	34	30	39	41	38

■ Under Consideration or Proposed

■ Enacted or Approved

Carolina Elementary and Secondary School Reform Act of 1984 appears to support much of the fine work done by the social studies department. It affirms that schools must provide students with the skills necessary to cope with contemporary society and citizenship. It establishes a basic curriculum (which includes a law-related strand K-12) and mandates testing at the 3rd, 6th, and 9th grade (law, government, and economics is mandated for all 9th graders). However, funding has been dramatically cut for social studies and LRE by the legislature. As supportive as the private sector has always been, it will be difficult to pick up the slack.

Most of the states surveyed reported similar support problems from the legislature and departments of education. But there were some encouraging reports. For example, the Florida Association for Law-Related Education, a coalition of the state bar association, the chiefs of police, and the department of education inventoried the state to find that 50 out of 67 school districts had some LRE and voluntary linkages to bar associations. Monetary support for LRE is still available in Florida through mini-grant legislation making $192,000 available to school districts.

One of the newest and most exciting examples of statewide support for LRE appears in Illinois. Governor James Thompson heads an outstanding blue ribbon committee which includes the attorney general, chief justice, and the superintendent of education. It oversees the dissemination of LRE programs to reduce delinquent behavior. Law firms throughout the state, spearheaded by the Chicago firm of Friedman and Koven, committed funds to support a statewide conference in November. The participating school districts have agreed to subsidize the staff development necessary. Illinois is particularly encouraging because it has been able to develop this coordinated effort in a very short period of time. (The blue ribbon committee met for the first time in September).

6. How Will It Be Evaluated?

Four out of nine major national reports discuss measuring achievement (testing). The state task forces and legislators have often responded by instituting or reaffirming the state's move toward competency-based testing. If every student were to be tested on LRE content, it is highly likely that most administrators and school boards would make sure that their educational programs incorporated LRE.

One intriguing example of how LRE can impact these is the CAP test in California. In 1982 the legislature mandated that a testing program be developed for the state in social studies and science. The state had recently completed a new social studies framework. Social studies, not just LRE, had traditionally been overshadowed by reading and math. Now by 1985 every 8th grader would have to take a social studies test.

The test had the potential of renewing an interest in teaching social studies and if designed properly would assist in encouraging teaching for more than rote memorization. Fortunately for social studies and LRE, the California Committee on Citizenship Education became the committee to oversee the development of this instrument. The committee was created in response to the Office of Juvenile Justice and Delinquency Prevention's effort to institutionalize LRE statewide. Twenty-five top social studies educators were called together by the Constitutional Rights Foundation (Todd Clark) and Law in Free Society (Charles Quigley) with OJJDP funds to discuss how best to institutionalize LRE in California. The opportunity to influence a statewide testing program was too good to miss.

The composition of the committee made it relatively simple to become officially involved with the state department of education to oversee the development of this test. Six subcommittees were eventually formed: 1) government and citizenship, 2) U.S. history, 3) world history, 4) geography and economics, 5) basic skills, and 6) critical thinking skills. The first four were to be concerned with content, while the last two concentrated on types and levels of questions.

The committees created a pool of 4500 questions, which has been reduced to 2300 based on a pilot test. Todd Clark, the chair of the California Committee on Citizenship Education, indicates that 40 percent of the test stresses critical thinking skills using law, citizenship, and Bill of Rights items as content. Many of the items were developed by teachers during workshops to help them understand the goals and objectives of the test and to help insure 8th grade appropriateness.

Even though the questions were often developed by 8th grade teachers and reviewed and edited by reading specialists, the pilot posed special problems for kids newly arrived to this country, since reading English is difficult for immigrants. The test, however, is not meant to be an individualized competency test, and only school scores will be reported.

The test will be used in May of 1985, with data available in the fall of '85. It may prove to be extremely helpful in the instructional improvement process. The test will monitor itself—if the scores improve over the years, the test and LRE could play an important role in improving the quality of education for all California students.

Another competency testing model was developed in the late 70s in Vermont. The Vermont State Board of Education mandated that among other things a Vermont high school graduate had to exhibit a proficiency in "reasoning." Rather then develop a statewide test, Jim Lengel, then social studies coordinator for Vermont, worked with educators and citizens to develop a set of objectives and indicators for those objectives. These were then printed on a form (one for each student in the state) and kept in the student's file. Date of mastery was recorded by the appropriate teacher. The items are heavily influenced by law-related education. For example:

- Given a dilemma situation, the student can state at least two reasons for each side of the issue.
- The student can distinguish fact from opinion.

- Given some data and some conclusions, the student can determine which ones were drawn from data.

Fortunately for Vermont, the National Science Foundation provided funding for staff development. All high school social studies teachers had the opportunity to receive from two to six hours of training. The staff development model always began with an example of a classroom activity based on an objective and indicator. Many of them were law-related. For example, problem-solving came alive with a two-minute sequence from Starsky and Hutch on stop 'n frisk. After the demonstration all the participants were asked what they were doing to teach that objective. Wherever possible teachers were given two sessions, including responsibility to teach others. Law-related education played a vital role in revitalizing teachers and assisting them to do a better job in teaching reasoning—certainly a basic skill.

Conclusion

In the quest for excellence in education, LRE can have an impact on curriculum reform, graduation requirements, student evaluation, instructional materials, instructional time, specialized schools, academic enrichment programs, school discipline, extracurricular policies, teacher preparation/certification, and professional development. LRE has responded in creative and useful ways to these challenges.

Many LRE leaders have found that the recent push for reform has provided new opportunities for shaping educational policy. Of course, it's presented problems as well. The reports and subsequent state actions have been a mixed blessing for law-related education and in all likelihood education in general. But because law-related education has so much to offer education and has so many people supporting it, LRE will remain one of the most creative and dynamic forces in education—with the help of or in spite of educational reform.

Carolyn Pereira is director of the Constitutional Rights Foundation's Chicago project.

Their Implications for LRE

Mandated Testing and Competency Examinations

by Margaret Stimmann Branson

Today Americans are more favorably disposed toward the public schools than at any time in the last decade. The 16th Annual Gallup Poll of the Public's Attitudes Toward the Public Schools, released in September, 1984, shows that more Americans (42%) grade their local schools A or B for their performance than at any time since 1976. That "vote of confidence"—up 11 points in little more than a year's time—may well have been inspired by the rapid response on the part of state legislatures and local school boards to the spate of recent reform proposals. The more important of those proposals are described in David Naylor's article. (See pages 1-7.)

As gratifying as that increased confidence in the public schools may be, the time for jubilation is not yet at hand. The American people are not yet convinced that all that needs to be done to improve elementary and secondary schools has been accomplished. They give every indication of their intention to continue to monitor the schools through mandatory testing programs. The public is on record as "strongly favoring" (1) basing all grade promotions on examinations, (2) employing nationally standardized tests for high school diplomas, and (3) requiring prospective teachers to pass state board examinations to prove their knowledge in the subjects they plan to teach.

Public concern about testing is not something entirely new. But that concern has been growing and intensifying in recent years, and it has profound implications for the future of law-related education in the elementary and secondary schools. A brief look at why citizen-initiated demands for mandatory testing of all students in all schools got started and how those demands have increased and changed, therefore, is in order.

Citizens Demand Testing in the 1970s

During the decade of the 1960s, public education was replete with innovations. New math, new social studies, ethnic studies, open education, schools without walls, schools without failure, "magic circles," training for the left brain hemisphere, and other assorted "do-it-yourself" schooling were the order of the day. Teachers and schools were relatively free to teach what and how they pleased. Students, especially those in senior high schools, were free to choose the subjects they wanted to study from what critics called a "bewildering cafeteria of courses." Grades were abolished or at least "inflated," and the importance of examinations diminished. But as the '60s gave way to the '70s, the pendulum began to swing back toward more

traditional, prescribed curricula and more conservative modes of teaching and learning.

Throughout the 1970s citizens continued to clamor for what they called "accountability" in public education. Citing declining achievement test scores, invalid diplomas, lack of knowledge of the basic skills of reading, writing, and computing, and the inability of many to qualify for employment or to cope with the demands of life, they insisted on education for minimum competence. Citizens began to demand more rigor and greater specificity in instructional programs. They urged that students be required to demonstrate command of at least the basic skills. They wanted students to be tested at regular intervals, and they insisted that the results of those tests be made public so that what really was being taught in classrooms could be determined and improvements could be made where needed. Those demands, initiated by citizens and fashioned into statutes by legislatures, came to be known as the phenomenon of minimum competency testing or MCT.

It is important to point out that educators were not responsible for introducing or designing systems of minimum competency testing. In fact, many large education groups opposed MCT. The National Education Association, American Federation of Teachers, American Association of School Administrators, National School Boards Association, and the Parent-Teacher Association were among those who objected to MCT. But citizens, impatient with waiting for educators "to become accountable," simply moved ahead. By 1980 minimum competency testing was in effect in four-fifths of all the states.

Major Themes and Purposes of MCT

As one state after another moved to enact MCT legislation, three major themes emerged:

1. The state has a duty to establish as a goal of state-supported education the attainment of a certain level of proficiency in skills necessary to function as an adult citizen.
2. Testing students—usually via paper and pencil tests—is the best and most practical means of measuring whether or how well that goal is being achieved.
3. Test results should be used to reassess and perhaps alter the manner in which the school system treats students.

Analysis of statements of legislative purpose also revealed great similarity among the states. Through MCT legislation, the states reaffirmed their conviction that the development of informed, effective citizens is *a* major goal—if not *the* major goal—of education. A New Jersey statute is illustrative. It declares:

> The goal of a thorough and efficient system of free public schools shall be to provide all children in New Jersey . . . the educational opportunity which will prepare them to function politically, economically, and socially in a democratic society.

The importance of the fact that legislatures of the various states have officially recognized the need for public schools to prepare *all* children to function politically, economically, and socially in a democratic society should not be lost on those concerned about law-related education. To be sure, the effective functioning of citizens requires more than just minimum competence in the basic subjects. Slowly but surely that realization has been growing, and it has been reflected in the more recent calls for "excellence" in education as opposed to earlier demands for just "minimum competence."

How States are Responding

In 1983 more than 15 proposals for reform of the nation's schools were released. More followed in 1984, and the end is not yet in sight. Almost without exception, the reform proposals advocate mandatory testing as an integral part of whatever plan to achieve excellence in education is being espoused. Some 37 states have responded by instituting extensive and intensive testing programs. No two states have seen fit to test in exactly the same ways, but some general patterns are merging. Those patterns can be discerned by looking at these fairly typical examples:

Arkansas. The Arkansas legislature in 1984 approved promotional gates testing in grade 8, as well as statewide testing in grades 3 and 6. It also is requiring current teachers and administrators to pass standardized exams by 1987 to retain their jobs. That requirement has generated much controversy, and it may be amended during the 1985 legislative session to exempt working, certified teachers. But observers predict it will remain for incoming teachers and administrators.

California. In California the vehicle for change is SB 813, also known as the California Education Reform Act. This law, enacted in 1983 and strengthened and extended in 1984, has brought 80 changes in the Education Code, all meant to strengthen and improve K-12 education. Among those changes are mandatory testing for all students in grades 3,6,8,10 and 12 in the California Assessment of Progress (or CAP) program. Tests at the various grade levels will include measures of student understanding of government, citizenship, the role of law, and comparative legal systems.

Like Arkansas and 16 other states, California now requires prospective teachers to pass competency examinations. But the state goes even farther. SB 813 created an academic partnership program which provides money to colleges and universities for assisting secondary schools with critically needed instructional improvement.

Illinois. Recommendations from the Committee to Define State Requirements for What Students Should Know and Be Able to Do figure prominently in Illinois' reform plans. That committee said Illinois should make sure its students are able to understand the interrelationships of all areas of knowledge and the global nature of

contemporary society. Students should be able to "use logical and systematic thinking and use higher-order thinking skills to process information from several sources." The State Board of Education has been holding public hearings on the proposals.

New York. The New York State Board of Regents was forced to scale back some of the sweeping school reforms originally proposed in early 1984. But it did adopt new high school graduation requirements, including two types of diplomas. The more demanding regents diploma will require a fourth year of social studies. The regents also directed local districts to set up discipline codes and a bill of rights and responsibilities for students.

Oregon. The Oregon Teacher Standards and Practices Commission has voted to require new teachers to pass a basic skills test, effective January, 1985. Eight task forces that studied school reform proposals have recommended more state authority in imposing higher standards on local schools, including statewide testing of students. The task forces have recommended a common core curriculum set by the state which prescribes the skills and content area standards for students to master.

Common Threads in State Responses

Space doesn't permit further descriptions of the ways in which other states are responding to the various reform proposals now before the American public. But the examples cited and a review of responses of the remaining states reveal some common threads. Those common threads include:

1. Mandatory testing for students which assesses more than just minimum competency; mandatory testing now tries to gauge how well students use higher-order thinking skills.
2. Required testing at regular intervals; grades 3, 6, 8, 10 and 12 are the most common.
3. Promotional gates testing at grades 8 and 11.
4. Increasing tendency for the state to specify not only the common core courses which all students must take, but the content of those courses. Law-related content frequently is specified.
5. Increasing the number of courses in history/social science required for high school graduation; in most states at least three years are now required, but some states insist on four years.

What Can Law-Related Educators Do?

More probably has been written about the need for educational reform in the past several years than at any other time in history. Report has followed report. But now the time has come for more than rhetoric. If the momentum for reform is to be sustained and translated into better educational opportunities for all students, then it is essential that those concerned about law-related education take an even more active role. The goals of law-related education, after all, comport well with the goals of the best of the reform proposals. Law-related content is integral to every course in history/social science. Law-related education is one of the very best ways of helping students learn to think logically and systematically and to use higher-order thinking skills. Law-related education provides a means whereby teachers and administrators can deepen their own knowledge and enhance their professional competence. Finally, law-related education is premised on an effective partnership between the schools, on the one hand, and the bench and the bar on the other hand.

How can those concerned about law-related education and improving the overall quality of our schools play a more active role? Here are some practical suggestions for personal investment in the effort toward not only reform, but toward excellence:

- *Become better informed.* Find out how your state and local school district have responded to the various reform proposals. What changes in the curriculum and course content are being made? Do those changes incorporate law-related education for all students? Will proposed changes provide students with opportunities to become informed, effective citizens? Will students have opportunities to develop and use higher order thinking skills? Is there a plan for regular testing of students at the various grade levels? What knowledge and what skills are being assessed? Is there sufficient emphasis in those tests on law-related concepts and processes? How does your state or district ensure that those who teach in or administer schools are competent? What assurance do citizens and students have that those who are teaching are qualified in the subject matter, particularly in law-related subject matter?
- *Volunteer your services; share your expertise.* If citizen advisory committees, blue-ribbon commissions, or task forces are being established, volunteer to serve on them. Ask pertinent questions. Contribute your expertise. Make recommendations. Monitor progress.
- *Participate in partnership programs.* See that state and local bar associations and other groups concerned with law-related education work on a sustained basis with the schools to improve law-related education.

Since its inception, the law-related education movement has had as its primary goal preparing students for effective citizenship in a democratic society. LRE educators should see that the present reform climate offers many opportunities to further that goal by working closely with their state legislatures, state departments of education, and local school districts.

Margaret Stimmann Branson is director of curriculum for the Kern County (California) Superintendent of Schools Office.

Getting LRE on the Local Books

James G. Lengel

There are more than 16,000 local school districts in the United States. No two of them use the same procedure to define the curriculum to be used in the schools, so it is impossible to set forth a common scheme for getting LRE onto the school program. But a close reading of the case studies that follow suggests certain keys to success that might work in most localities.

In none of these districts did LRE proceed along a single path to adoption or "institutionalization." Rather, we see in each of the case studies several simultaneous strategies aimed at making LRE a regular part of the curriculum. From formal mandates to extensive training programs to community political connections, LRE activists in these cities and in many others large and small have fit their approach to the peculiarities of the local district.

In most American school districts, each of the following paths toward adoption is open to LRE.

Textbook Adoption

Somehow, each district chooses the texts and other materials it will use for teaching. Even in "textbook adoption" states, local districts must make choices from among the state-approved list. John Patrick's article in this issue of *LRE Project Exchange* details the nature of the text adoption process; the wise LRE educator will find out all that he or she can about how the process works in the district.

Some districts use a formal, periodic text adoption policy wherein each subject area is adopted every four or five years. Usually a committee of teachers and administrators examines new texts and recommends a choice to the school board. Publishers send sample copies and salespeople to help promote their wares; the committee often sets general guidelines that texts must follow to be considered.

When Providence, Rhode Island, began the adoption process for its elementary social studies texts, LRE people made sure that law-relatedness was among the criteria used in the formal selection process. In this way, books with more legal concepts and skills in them would be more likely to be adopted. St. Louis used its text adoption process even further, engineering the adoption of a special LRE book for part of a junior high course. In many other districts, LRE activists participate as members of the selection committee. As more patently law-related texts become available on the market, it is important for us to ensure that they are brought to the attention of the local committees and fully considered.

Look especially closely at the social studies adoption in your district. Find out when it is scheduled to occur and who is on the committee. Ask publishers to send along any of their law-specific texts as well as the standard social studies series. And do what you can to see that law-relatedness is among the criteria that the committee uses.

Textbook adoption is not always so formal, however. Often a small group of teachers or an administrator working alone makes the choice of text materials that will be used. In some locales, each teacher simply orders a classroom set of the text that he or she wishes to use, with but a cursory budgetary review by the principal. In these places the LREducator should work directly with teachers, one-on-one or in small groups, to convince them that law-relatedness should be a criterion for materials selection. Have samples of good LRE texts to lend to them. Put them in touch with other teachers who are using LRE materials.

Many of the best LRE materials are supplementary texts, or books designed to be used in a short course or unit. Therefore they may fall outside of the normal text-adoption policy of the district. To encourage the use of these kinds of books, it may be wise to have the local board (or the text selection committee) grant an informal blessing to the purchase and use of some of these non-standard materials. The local bar can often help convince the school board that public opinion supports the need for LRE materials to be on the approved list.

With the national focus on excellence and the widespread concern about the "watering down" of textbook content, school districts are looking more closely at their textbook adoption practices. This close look provides an opportunity for LRE to be a new consideration in materials selection.

Course Approval

Many local school boards periodically approve course content and new courses, especially at the secondary level. With the call for stiffer graduation requirements, new courses and locally-mandated topics are on the increase. But as David Naylor's article suggests, law-related subjects are too often left behind science and math as they are considered in the national reports on educational excellence.

This need not be the case at the local level. As new courses are approved to fill out new graduation requirements, we can make a convincing case for the inclusion of LRE. Almost every district's statement of educational goals and philosophy includes a refence to citizenship and civic understanding; LREducators can find these and remind the local board of their existence. Many high schools, as they increased the social studies graduation requirement from two to two-and-a-half or three years, found that a law-related course was the ideal addition to the program. Most of these are of the practical type, focusing on real-life survival skills. We should be ready with course outlines and objectives should this opportunity arise in our district.

We can also design our own new course or unit in LRE.

Brattleboro, Vermont, did just that ten years ago, developing two new elective courses, getting them approved by the local board, and making them so popular and respected that they will remain forever. Memphis, Tennessee, did something similar at the elementary level, designing LRE lessons that would fit into each standard social studies unit in each grade.

New courses and units have a higher probability of being adopted if they are developed by the teachers who will be teaching them and if they lean heavily on the advice of local law professionals. And the units need not stand out to be successful. A law unit or strand well-hidden in a standard U.S. History course can be just as effective as a blatantly law-related new course.

We may dread the process required to get the course approved by the local board. But it is usually worth the cost and can have long lasting effects. It causes us to do our homework, to use community resources, to select carefully our topics and materials, and to justify our work to ourselves using a variety of rationales. And once a local board has formally adopted a course, it is less likely to drop it when the budget crunch arises.

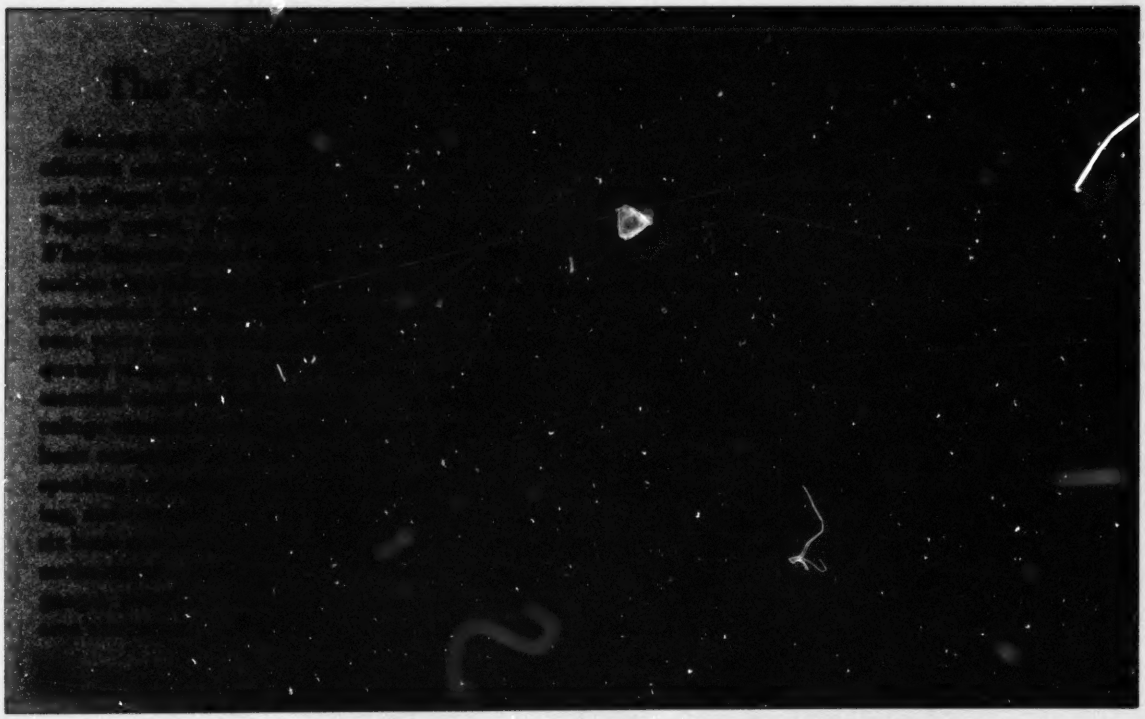
Graduation Requirements

Almost half the states have increased the number of courses that a student will need to graduate from high school. In most of these states, and in the others where local option is the rule, the local school district must choose the list of required courses. Law-related educators can take two approaches here: (1) Try to get a new course among the list of new requirements; (2) Ensure that the required courses contain law-related content where it fits best.

The increase in required courses at the high school level means decreased attendance in elective courses. If the local board demands three years each of science and math for all students, there will be no one left to elect our optional courses in law. Perhaps it's time to get LRE onto the required list after all. Science, math, and technical subjects are important to our students and to our culture, but we must remind ourselves of the danger of educating a generation that knows HOW to do things but has no idea WHY.

Prepare the syllabus for a new LRE graduation requirement for your district. There is today a wealth of materials and outlines available to you, from the hard practicality of Street Law to the philosophical concepts of Law in a Free Society, to help you form and furnish the new course. Use a combination of the practical and conceptual; have the course designed and ready when the local board begins its discussion of new courses for the high school diploma. Enlist the advice and help of the law professionals in your community along the way, so that they can help inform the board of the importance of this new requirement. Having your homework done before the assignment is due can inspire confidence and help ensure success.

Despite your preparation, LRE may not make it onto the



list of required courses. But the chances are good that the mandated courses—such as U.S. History and American Government—will undergo close scrutiny as they find their way onto the list of "musts." Make sure that law-related eyes help in this scrutiny. Again, community law professionals can help here, as can an examination of the new LRE materials that are specially designed to accompany these standard courses. Working with policy-makers —and the staff who will teach the mandated courses—provides resources and ideas that can bring a measure of law-relatedness to the program.

Tests and Competencies

These two elixirs in the medicine box of excellence produce side effects. If a topic isn't on the test, it won't be stressed in teaching; if it's not a required competency, it won't get the attention it might deserve. As more districts schedule tests and adopt competencies to cure the "mediocrity," we should take a close look at the ingredients in the prescription.

Some states, like Missouri, put law explicitly into the state competency and testing program. This makes it easier for local districts to include law in their own programs. Other states, like Vermont, adopt a more general list of competencies, well-suited to LRE but requiring some local initiative to ensure that the local testing program incorporates legal content. But most states restrict their tests and competencies to reading and arithmetic, making inclusion of LRE at the local level an uphill fight.

The concerned LREducator needs to find out the nature and extent of the state and local competency and testing programs, and look for a way to fit LRE in. It belongs best in the citizenship or social studies sections (the National Assessment of Educational Progress includes both of these topics, and their tests use some of law-related content) but can often be squeezed into language arts or "survival skills" sections.

Next assemble a collection of law-related tests, test items, and competency statements. These are available from most of the national and regional LRE projects, and from many of the state and local projects. Be prepared to show how the law can fit in with the form and style of your district's testing program, or how law-related competencies can be added to the district's list. Form and style are important here; take what you find from your LRE colleagues and modify it to fit the nature of the local process. The intent is to see that LRE is mentioned or included in the tests or competencies in some way.

Including LRE examples and items is a signal to teachers and students that law-related ideas and skills are important and must be learned by everyone. Also, while most of us may not buy into the evaluation/accountability mentality that most of these programs represent, we will be wise to ensure a place on the list and protect LRE from possible pre-emption by "listed" subjects.

Teachers' Lesson Plans

Tests and curriculum plans aside, when the classroom door is shut, the teacher is in charge. The teacher alone decides what actually gets taught, how it's taught, and what accounts are kept. In most districts, each teacher is in fact a curriculum policy-maker and must therefore be part of your strategy to get LRE on the books.

In all of the case studies that follow, local projects worked closely with teachers as part of their overall plan for institutionalizing LRE. In Memphis, teachers designed the infusion lessons. In Alexandria, it all began with a massive professional development program for the teaching staff. In Long Beach and in Detroit, continuous teacher training is the rule. Teachers who are knowledgeable about LRE are more likely to speak up in favor of a new LRE course requirement, and more amenable to including a law-related unit into their standard course. Partnerships between teachers and local law professionals are an especially effective way to keep LRE on everyone's mind.

None of the LRE activities in our case studies attempted to "go around" or "over the heads" of teachers to get LRE into the curriculum. Instead, they chose to work closely with classroom teachers from the beginning. Some in fact ignored the rest of the school system and focused on getting the teachers to do LRE on their own, with no official mandates or motions.

Regardless of the path chosen, teachers are looking for three things, all of which you should work into your local strategy. They want to learn enough of the law's concepts and practicalities to deal with students' questions; they want to master some of the new and creative teaching strategies that help revitalize the classroom; and they want access to the latest texts and other materials for teaching LRE. They expect you, the law-related expert, to provide these things to them. Serve them on their terms, and they will help the cause of LRE, even after the door is shut.

On to the Front Burner

Many law-related leaders have found ways to ride all these paths simultaneously. Choosing perhaps two at a time might be a good way to start, but be sure to keep yourself aware of what's happening on all the local district curriculum fronts.

Keeping an eye on the national and state goings-on could be valuable as well. Educational policy is on the front burner these days, at many levels of government. Though securing major changes in the curriculum is never easy, this is a fine opportunity to enhance learning about the law.

James G. Lengel directs an educational computer software design company. He formerly directed the basic education program of the Vermont State Department of Education, and is a longtime LRE leader in that state.

How Eight Districts Did It

Making LRE Part of the Curriculum

James G. Lengel

Detroit: A Modern Mandate

In an effort to make the secondary school curriculum more in tune with urban youth's needs, the curriculum director in Detroit's central administration decided to modernize the social studies program. Beginning in 1978, Detroiters in high school found a course called "Basic Law" on their daily schedules, whether they wanted it or not. Along with law came similar "relevant" courses in personal health and consumerism.

For five years this course stayed on as a local requirement. It was popular; the local social studies teachers and their supervisor (who were presented with this mandate from on high) knew a good thing when they saw it and ran with it. They trained themselves, attended national ABA/LRE leadership conferences, got help from the Constitutional Rights Foundation and the other national projects, chose texts, and developed some of their own materials. LRE was taken to heart by the Detroit teachers.

The mandates in Detroit expired this year. But in their place we see a strengthening of LRE, thanks to the success of the mandated course and the interest of the staff. There is now a very popular elective in law for ninth graders, and the traditional (and required) eighth grade civics course now includes a half-year of solid law-related education.

A mandate—even from the top—can be turned to an opportunity for LRE, if the local staff knows how to make it work to their advantage. For further details on Detroit's experience, call Norman MacRae, Social Studies Director, Detroit Public Schools, Room 836, Schools Center Building, 5057 Woodward Ave., Detroit, MI 48202, 313/494-1630.

Providence: LRE Behind Every Bush

Providence, Rhode Island, mandates no LRE but sees lots of it going on. That's because the city's social studies supervisor, an LRE activist, has used every opportunity to relate the curriculum to the law. Beginning with general awareness through ABA regionals and national project help, the city built an interest in LRE among teachers and board members. So when it came time to establish "magnet" high schools in Providence, one of them became a "government and law" magnet. Partnerships with colleges and national projects helped strengthen the program of this school, and built respect for LRE at all levels of the Providence system.

Social studies people capitalized on this interest. When textbook adoption time came around in 1981, LRE concepts were among the criteria for selection of middle-grades social studies books. When the district became concerned about suspensions, the LRE activists took the lead in designing alternatives and preventive strategies to deal with this problem. When federal funds became available, Providence was ready with good ideas for proposals. When Providence lawyers and judges became interested in what the schools were doing, the staff was ready with partnership ideas and events that made LRE even more visible and known by the public.

By being ready to take advantage of every opportunity, and by seeing possibilities for LRE behind every bush, Providence has institutionalized LRE so that students experience it throughout the grades. Joyce Stevos, Social Studies Supervisor, has all the details: Department of Public Schools, 480 Charles St., Providence, RI 02904, 401/456-9259.

Alexandria: Deeply Embedded

While LRE is special to every one of us, it need not bring attention to its speciality to be successful. The Alexandria, Virginia, school district has worked through the "normal" channels of curriculum change and review to make LRE an important force in the social studies curriculum.

Several events contributed to the coming of LRE to Alexandria. The stress and unrest associated with the desegregation of a city school system caused planners to consider courses that explored the youth's relationship with the law. Summer institutes for the professional development of teachers allowed half the teaching staff of the city to learn about LRE methods and materials. National projects and community resources took an interest in students' knowledge of the law. In this way the idea of LRE became entrenched in the minds of all concerned.

The strength of the idea slowly caused course content to change. Today, the eighth grade course contains a unit of LRE; an Alexandria police officer works half-time with the schools on a "Police and Law" unit; student interns from the high schools work in LRE professions; primary-grade teachers can be found conducting LRE lessons. Again, no mandate and no legal requirement for LRE in Alexandria, but a lot of it going on. The contact there is Jack Henes, Social Studies Supervisor, 404 Prince St., Alexandria, VA 22314, 703/998-2162.

St. Louis: Familiarity Breeds Success

From the beginning, the St. Louis School District has known about LRE. Though it was never a required course,

the district's teachers saw a lot of professional development and curriculum assistance offered to them in this area of study. They saw their own set of materials turned into a nationally distributed textbook called *Law in Action*. Teachers, community, and administrators learned to expect the St. Louis LRE activists to show up (and speak up) at every opportunity.

And they liked what they learned. Though none of them was forced to teach or learn these law-related ideas, teachers and students found them to be intellectually revitalizing and relevant to their lives. Twelve years of familiarity prepared St. Louis well for the Great Curriculum Adoption of 1984.

It had been nine years since the city's social studies curriculum had been formally revised. The St. Louis school board, anxious to bring some uniformity and excellence to the curriculum across the district, decided to "adopt" a new set of competencies, course titles, and texts for the social studies. Even though most expected LRE to take a prominent place in the new curriculum, the local LRE activists nonetheless made sure they were in on the ground floor of planning for this work. They went to all the meetings. They listened to the teachers and board members and administrators. They offered help and contributed to the general discussion. They did not make demands or attempt to "push" LRE inflexibly into the forefront. But they did make sure they were present wherever things were happening.

The result of all this is a new K–12 social studies curriculum for St. Louis that includes LRE in all grades but one. Law-related competencies must be mastered all along the way; certain LRE texts are required reading for students; even the counseling program uses LRE concepts. Under this formal plan, teachers are allowed considerable flexibility in methodology and teaching style, but all must be aimed toward a common set of LRE skills and objectives. Because of its long and successful experience in St. Louis, it was no surprise that LRE took such a central place in the new curriculum plan.

LRE's St. Louis contact is Linda Riekes, Law and Education Project, 5183 Raymond Ave., St. Louis, MO 63113, 314/361-5500.

Long Beach: Friends in Many Places

It all began when the president of the Long Beach, California, PTA played the buckle game and saw the ABA's film *To Reason Why* at a national PTA convention. A conversation with the district's assistant superintendent for curriculum soon afterward led to a contact with the local bar and the Law in a Free Society project and the forming of a group of interested teachers. In the years following, the PTA president became chair of the local school board, the assistant became superintendent of the district, and the young lawyers of the bar grew into pillars of the Long Beach legal community. And so LRE flourished, to the point where it is a fixture in the formal curriculum.

But the educators of Long Beach did not rely solely on the power of school district politics to get LRE into the system and keep it there. They did their homework all along the way, and worked through the district's formal "course development and approval" mechanism. The interested teachers, with advice from the local bar and several national projects, designed and debugged two new courses: "Youth and the Law" for junior high, and "Criminal/Civil Law" for the senior high. Both were put through the hurdles of the formal board adoption process and are now a standard part of the district's social studies curriculum. In addition, the LRE activists worked to build LRE concepts into every elementary social studies unit, and to ensure that the judicial branch is fully considered in the 12th grade "American Government" course.

A unique feature of the two law courses is their inclusion of materials from Law in a Free Society, the Constitutional Rights Foundation, and Street Law, along with local materials and the involvement of law professionals. Long Beach has chosen a truly eclectic approach.

The strength of LRE in Long Beach was evident when California enacted its school-tax-limiting Proposition 13. As other educational programs were dropped and de-funded, LRE maintained its support. Groups like the Lawyers' Wives and local bar associations helped to keep LRE in the budget. With support throughout the school staff and the community, it looks like LRE has found a secure home in the Long Beach Unified School District.

The man to see for details is Jack Hoar, Social Studies Consultant, 701 Locust Ave., Long Beach, CA 90813, 213/436-9931, ext. 342.

Brattleboro: Small and Beautiful

Brattleboro, Vermont, is a small town with a single high school and an incredibly strong law program. Its semester courses in Criminal Law and Civil Law are widely subscribed and intellectually advanced. A considerable proportion of the school's resources are dedicated to the quality of these courses. Like Long Beach, the courses were formally adopted by the local board of education after extensive developmental work and a thorough review. But the process used to arrive at this point was quite different in Brattleboro.

In 1970 (before anyone knew what LRE was), the social studies teachers from Brattleboro Union High School sat down with the local district judge, the state's attorney, and the chair of the Vermont Bar Association's education committee. Out of this meeting grew some clear common goals and an effective course of action. The teachers began planning a semester course in criminal law with the help of the attorneys and the local police. The law professionals spread the word in the community about the need for students' learning about the law.

That first course was a stellar success. Other schools came to Brattleboro to share the secret of this revitalizing new subject. Brattleboro High School won a grant to pur-

chase a set of LRE films and videotapes to share with neighboring schools. Teachers attended LRE training sessions at the direction of their department head. Law professionals were brought in as consultants to the content of the course. Teachers worked over the summer to develop a new "Court Procedures" unit to be taught jointly by the English and Social Studies departments. With all this preparation and community involvement, the local board had no choice but to approve this new set of courses and to provide the money and staff to support it.

The law program at Brattleboro has survived several changes of school administration, numerous self-studies and curriculum reviews, and periodic budget squeezes. It has incorporated nationally published materials such as Street Law into its syllabus; it has tackled new and more challenging legal concepts. Law-related ideas have even tricked down to other of the school's social studies offerings.

Thomas O'Brien, the social studies department head, can provide further details. Brattleboro Union High School, Brattleboro, VT 05301, 802/257-0356.

Memphis: Careful and Competent

If there is textbook method for getting LRE into a local curriculum plan, Memphis has followed it religiously. First, an advisory group of community and school people commissioned a scientific needs survey of 650 students, parents, teachers, and administrators. The survey showed which areas of law were most important to Memphis educators, and served also to set the stage for future work in LRE.

Next, a core of teachers learned about the law through a formal course sponsored by the school district. These same teachers then worked with law students to develop a pilot set of teaching materials that reflected the survey of needs and the special concerns of the Memphis community. These materials were turned into classroom lessons by teachers at each grade level; the entire series of lessons was organized into a matrix that relates the lessons to the standard texts and topics used in the Memphis schools.

Extensive pilot-testing by teachers, and widespread training in both law and methodology, have made the LRE curriculum, though not formally and legally mandated, into a widely-used set of lessons that reaches almost every student. Throughout this process, the city school administration was informed and supportive.

The Memphis plan left no area untouched. Community law professionals were involved at the outset and in the development and review of materials; the need for LRE was clearly defined before the curriculum was designed; materials were developed by the teachers who would be using them; careful training and pilot testing was accomplished before implementing classroom teaching. All this began in 1980, with the result that four years later LRE is institutionalized in the Memphis city schools.

For further information contact Catherine Pickle, Social Studies Supervisor, Memphis City Schools, 2597 Avery Ave., Memphis, TN 38112, 901/454-5200.

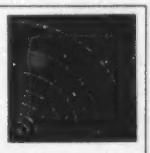
Cleveland: Meeting a Need

A Cleveland teacher was mystified and concerned when a visit to the local court by her third and fourth graders brought out some negative feelings about the law and its institutions. She determined to change these attitudes, and so the Cleveland elementary LRE project was born. Today, ten years later, with a written curriculum that provides LRE lessons for grades 3-6, regular teacher training, and classroom visits by law professionals, LRE is an institution in Cleveland's elementary schools. It's a regular part of the district budget, and serves 14,000 students.

The teacher of those 3rd and 4th graders is now director of the project. By sharing her original concerns with her principal, with city law professionals, and with a local foundation, she managed to gain support and uncover similar needs and concerns throughout the district. Her principal became a social studies supervisor; a community-based project advisory committee activated itself; they got the project evaluated by an outside agency; they wrote teaching lessons based on teachers' needs and designed to mesh with the current social studies text series. Many bases were covered.

The need sensed by that teacher was shared by many others in the district. Teacher response to the curriculum materials and training has been overwhelmingly positive. The approach focuses on thinking and reasoning skills as the motor of attitude change, and is not afraid to confront tough issues even with these young students.

Beverly Clark is the person in charge in Cleveland. Contact her at Division of Social Studies, Cleveland Public Schools, 1380 East 6th St., Cleveland, OH 44114, 216/475-6408.



Charles White, Editor

Barbara Kate Repa, Managing Editor

Mary Manemann, Staff Writer

Charlotte Anderson, Staff Director, Special Committee on Youth Education for Citizenship

Mabel C. McKinney-Browning, Assistant Staff Director, Special Committee on Youth Education for Citizenship

LRE Project Exchange is published by the ABA's Special Committee on Youth Education for Citizenship, 750 N. Lake Shore Drive, Chicago, IL 60611, 312/988-5725.

This newsletter is produced under grant #79JNAX0006 from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Assistance, Research and Statistics, U.S. Department of Justice.

Points of view or opinions in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Textbook Adoption and Law-Related Education

John J. Patrick

Discussion about textbook quality is an important part of the broader debate on the excellence of education in American schools. The National Commission of Excellence in Education found that "a large number of texts have been 'written down' by their publishers to ever-lower reading levels in response to perceived market demands.... Many books do not challenge the students to whom they are assigned."

In response to the National Commission's report, political and educational leaders are demanding more rigorous textbooks as a key to substantial curriculum reform in elementary and secondary schools. Secretary of Education T. H. Bell, for example, in a speech to the American Association of School Administration, said: "The nationwide effort to attain reform and renewal of our schools will fall flat and fail if we do not improve our textbooks."

Publishers tend to approve of Secretary Bell's initiative to upgrade their products, but they remind him and other curriculum reformers that they necessarily respond to consumer demand by producing textbooks to meet a demonstrated market. "The educational community, in the final analysis, is who picks the material," says Don Eklund of the Association of American Publishers.

In line with Eklund's position, several associations of educators are trying to help consumers evaluate textbooks, so that publishers might be influenced to upgrade their products. For example, the Council of Chief State School Officers and the National Association of State Boards of Education are developing model guidelines to assist state education agencies and local school districts in reviewing and adopting textbooks. Secretary Bell and the federal Department of Education are backing this effort with funds and favorable publicity, and the Association of American Publishers is collaborating by supplying information on the production and marketing of textbooks.

This current flurry of interest and action raises several questions for educators with special concern for teaching about law and citizenship. *First*, how significant are textbooks in curriculum planning, teaching, and learning? Is all the excitement about the quality of textbooks warranted in terms of their prominence in our schools and their effects on learners? In particular, what implications for law-related education can be derived from the way textbooks are used in schools?

Second, what are national patterns in selecting and adopting textbooks? How do these procedures limit or expand opportunities for law-related education in elementary and secondary schools? In particular, how might textbook adoption procedures be used to improve LRE in our schools?

Importance of Textbooks: Implications for LRE

Basal textbooks are the foundation of most social studies classrooms. The most important curriculum decision that most teachers make is the choice of a textbook. Additional curriculum planning and lesson planning tend to be determined by textbook selection. In most cases, the social studies curriculum in a particular course is the concepts, facts, attitudes, and skills presented in the basal textbook. According to a National Institute of Education study, the typical student will read more than 32,000 textbook pages before graduating from high school. In a paper commissioned by the National Commission on Excellence in Education, Lauren and David Resnick report that in most classrooms across the country the textbook accounts for more than 90 percent of the curriculum. Although state education departments and local school districts produce curriculum guides for various courses, teachers tend to disregard them. Instead, teachers depend on textbooks to guide course organization and day-to-day lesson plans.

According to several nationwide studies, most teachers make slight use of published supplementary materials. Publishers report a steady demand for certain kinds of supplementary printed materials, such as supplementary books, workbooks, and spirit masters. However, they emphasize that demand for these supplementary materials is slight compared to the huge market for their hardback basal texts.

Some teachers develop their own materials to use in combination with published products. However, most teachers report that they have little time to create materials other than worksheets and tests that stem from textbook content. For example, a case study of a faculty that attempted to develop materials concluded that, "The packets [teacher-created materials] apparently were created at great personal-time cost to the teachers." Lack of time, coupled with lack of district financial support for local development and the "comfort" teachers seem to derive from textbooks, has prevented local materials from becoming a significant curriculum materials force in social studies instruction. Given the heavy demands on teachers' time, it is not surprising that most of them welcome textbooks—in effect, packaged curricula.

What do social studies teachers think about the quality

of their textbooks? In the recent past, they seemed to be very satisfied. According to an EPIE survey, 85 percent of teacher respondents believed that their textbooks are "for the most part well suited to most of their students." Seventy-one percent answered "Yes, willingly," to the question: "Are you going to use this material again?" Teachers believed that the textbooks facilitate learning. Fifty-three percent reported that "most students learn somewhat well from the materials." Thirty-seven percent agreed that "most of my students seem to learn exceptionally well from this material." Another national study indicated that most teachers believed their materials to be appropriate for about three-fourths of their students. These positive teacher attitudes about textbooks may be changing in response to the current campaign of criticism mounted by national leaders. However, it is unlikely that dependence on the basal textbook in teaching will decrease. Indeed, the strong concern of national leaders about the need to improve textbooks is evidence of their belief that these materials will continue to dominate curriculum planning and teaching.

Not only do teachers rely on textbooks, but students apparently learn significantly from them. Various studies have reported that the longer one stays in school, the more one knows. The most likely source of this knowledge is the curriculum materials, especially textbooks, used in school. This conclusion is consistent with evidence about the dominant place of the textbook in curriculum planning and day-to-day instruction. In general, students who are exposed persistently and systematically to well designed textbooks are able to achieve certain knowledge objectives. Time on task, as the task is presented through particular materials, does make a difference in student learning.

All in all, textbooks are used extensively and are important in teaching social studies. What are the implications for law-related education? *First*, textbooks for mainline courses—civics, American history, government, the elementary school sequence in social studies—should be primary targets for infusion of subject matter about the law into the curriculum. This is the best way to expose the largest number of students to the objectives and lessons of law-related education, since these textbooks are indisputably the dominant influence on the curriculum and on teaching.

Second, developing supplementary materials for mini-courses and elective subjects is likely to become less and less important as a means of promoting law-related education in schools. The current campaign for excellence in education emphasizes a core curriculum of common courses and objectives for most, if not all, students. Elective courses and mini-courses, which seemed to be the trends in curriculum development during the 1970s, are decreasing as state education agencies and local school districts expand the academic requirements for high school graduation. Thus, only a small proportion of students is likely to be exposed to law-related education outside of the mainline social studies courses and textbooks.

Textbook Adoption Procedures: Implications for LRE

The extensive use of textbooks developed for mainline courses has focused the attention of school reformers on textbook adoption procedures. Sherry Keith, an educational researcher, concludes that means of adopting text-

"It would help, Mr. Kramer, if your public defender were an attorney."

books, especially in large states (Texas, California, Florida), "have an important effect on the content of school materials." Secretary of Education T. H. Bell charges that these "important effects" are often negative, because "the methods used to select them [textbooks] and to influence content and organization are slipshod." Secretary Bell and others agree that criteria for textbook selection need to be improved and the skills of those who make the selections need to be sharpened.

How are textbooks selected or adopted for American schools? What are implications of these procedures for law-related education?

In general, there are two categories of textbook adoption processes into which the 50 states can be divided: (1) adoption states and (2) open territories. In adoption states, laws regulate procedures for selecting lists of approved textbooks, from which local school systems must select their texts. In states that are open territories, use of textbooks in the schools is not regulated on a statewide basis. On page 29 are lists of the 22 adoption states (mostly in the South and West) and the 28 open territory states.

The adoption states account for nearly 50 percent of the national textbook market. Three large adoption states—Texas, Florida, and California—represent 17 percent of the national market. Thus, these three states (and to a lesser extent the other adoption states) have a strong influence on the content of books sold throughout the United States.

Why do the big adoption states, such as Texas, loom so large in the calculations of textbook publishers? The answer has to do with the large size of the market. Consider the example of the American government textbook market in Texas. The total state market exceeds 200,000 copies. Suppose a publisher wins one of the five places on the state list. The publishing company has an excellent chance to sell as many textbooks in Texas, in one year, as it may sell in the remainder of the country during the same year.

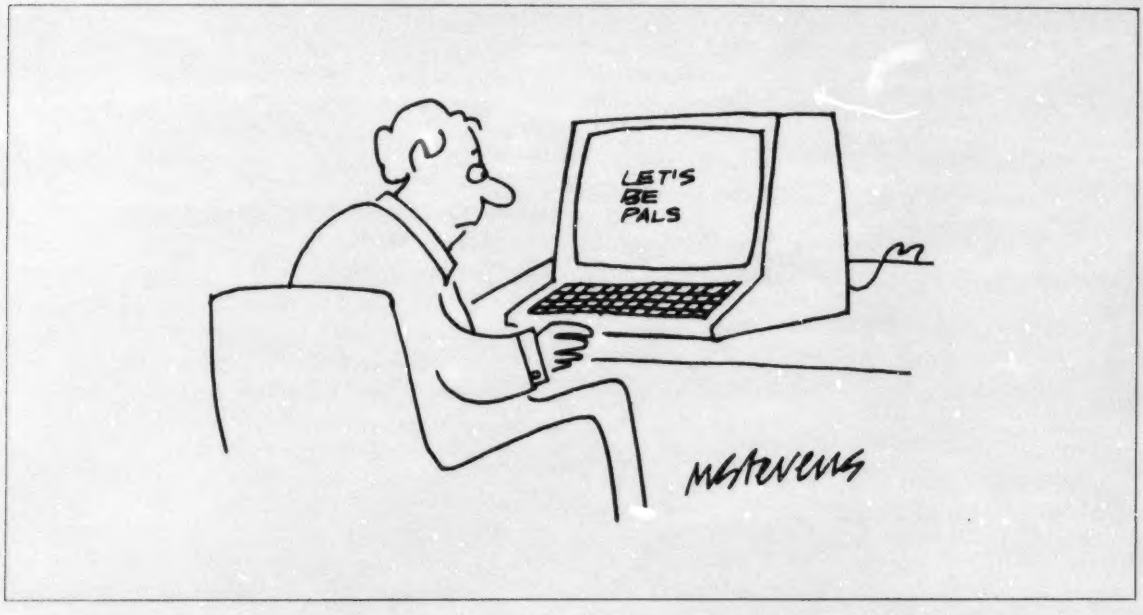
Laws to regulate the adoption process vary among the 22 adoption states. At the core of all the regulations, however, are criteria that set boundaries for textbook selection. Publishers must produce textbooks that, at a minimum, fit the criteria if they want their products even to be considered for state adoption. The aim of adoption states is to exercise centralized control over the use of materials in local school systems.

In all adoption states, local schools may choose books in each category from those listed by the state. Some states list textbooks only in basal areas (the mainline courses) and allow local school systems to select freely the materials for elective courses. Other states compile comprehensive lists of books that may be used in local public schools.

California and West Virginia are two adoption states with a mixed system; there is a statewide adoption system for elementary school textbooks, but not for high school texts. In Indiana, an unlimited number of texts in each category may be selected for the statewide list. Most adoption states list at least seven approved books in each category, Kentucky lists ten books per subject and Utah allows 20. By contrast, Texas and Mississippi list only five alternative books per subject. Adoption cycles vary from four to eight years; the typical period of time between adoptions is six years.

Main purposes or intentions of state adoption procedures are:

1. to control and limit costs of textbooks;
2. to provide an acceptable degree of statewide curricular uniformity;
3. to ensure selection of high quality textbooks;
4. to provide for public participation in the adoption of textbooks;



Adoption States (22)		*Open Territory States (28)*	
Alabama	New Mexico	Alaska	Montana
Arizona	Nevada	Colorado	Nebraska
Arkansas	North Carolina	Connecticut	New Hampshire
California	Oklahoma	Delaware	New Jersey
Florida	Oregon	Hawaii	New York
Georgia	South Carolina	Illinois	North Dakota
Idaho	Texas	Iowa	Ohio
Indiana	Tennessee	Kansas	Pennsylvania
Kentucky	Utah	Maine	Rhode Island
Louisiana	Virginia	Maryland	South Dakota
Mississippi	West Virginia	Massachusetts	Vermont
		Michigan	Washington
		Minnesota	Wisconsin
		Missouri	Wyoming

5. to save time and work for local school districts;
6. to ensure periodic review and selection of new textbooks, so as to minimize the use of outdated materials;
7. to influence the content of textbooks in ways deemed acceptable to the citizens of the state.

A public document entitled "Kentucky State Textbook Program" states that textbook adoption procedures are outlined to ". . . assure that high quality textbooks . . . reach pupils in Kentucky classrooms in adequate quantities at the right time and with economic efficiency." Similar statements can be found in publications of the other states that have formal textbook adoption procedures.

The 28 states that comprise open territories account for slightly more than 50 percent of the textbook market. In these states, local school districts have authority to regulate their own textbook selection. These adoption processes vary from small-scale replicas of the state adoption systems to independent decision making by school administrators, department chairpersons, classroom teachers, or some combination of these three groups.

Textbook adoption in the Boston Public Schools, in the "open territory" state of Massachusetts, contrasts sharply with procedures used in the more tightly controlled adoption states, such as Texas. In Boston, selection criteria and curriculum guidelines are established locally, by the central school administrators in collaboration with teachers representing the various schools in the system. Textbooks are selected in terms of the system's—not the state's—guidelines. For example, a publication entitled "Recommended Textbooks and Other Materials; Grades 6–8" states: "It is vital that social studies materials . . . follow a coherent citywide sequence and meet certain standards." However, many texts are often listed for each subject or grade level; six books, for example, appear on the list for the eighth grade American history course. Eighth grade teachers at different schools within the Boston system may use any one or more of these six books in their classrooms.

Boston teachers are supposed to be involved centrally and decisively in selecting textbooks to be used in their classrooms. According to school system directives, "Ideally, each teacher should have time to inspect all the competing products, and each staff should strive to reach consensus on those materials that are most in tune with their teaching strengths and their students' needs."

Key target states in the "open territories" are those with the largest populations: New York, Pennsylvania, Illinois, Ohio, Michigan, New Jersey, and Massachusetts. Major city districts within open territories include Chicago, Detroit, Philadelphia, Boston, Washington, D.C., Columbus, New York City, Pittsburgh, Minneapolis/St. Paul, and Denver. Marketing strategies in the open territories tend to focus on these big state/big city markets.

The differences between open territories and adoption states are enormous, but it's worth remembering that even in adoption states the final selection is done locally. Materials in both adoption states and open territories are selected locally by specially appointed committees commonly composed of teachers, one or more administrators (curriculum specialists or building principals), and occasionally parent/citizen representatives. The difference is that in open territories committees can choose any book; in adoption states they must choose from a state-approved list.

Some states, such as Indiana, require participation by laypersons on local textbook selection committees. A new law in Louisiana requires that one-third of the members of the state textbook adoption committee be parents who are not public educators.

Adoption committees attempt to satisfy a variety of interest groups representing alternative and often conflicting points of view. The committees also try to meet the needs of students and teachers as they understand them. Finally, adoption committees may feel pressure to please school administrators and board members. This balancing

of various interests, pressures, and presumed needs must be done within a framework of local and state laws or mandates.

How does the selection process affect the content and design of textbooks? Robert Rasmussen, a representative of the School Division of the Association of American Publishers, provides an answer from the perspective of the textbook producer. He says:

> The diversity of the culture results in a diversity of demands. There are demands for recognition of liberal causes. There are demands for more patriotism or less patriotism and flag-waving. Such causes as the rights of minorities, the rights of women, conservation, improved environment, sex education, family planning, ethnic identity, drug education, consumer education, are only a few of the many causes which come forth in textbook hearings held in various adoption states.
>
> Those who speak on textbook content frequently offer completely opposing points of view. Thus, it is often difficult for the adoption committee to reach a final selection which satisfies all points of view. Ultimately, the criticism or suggestion(s) reach textbook authors, editors and publishers, and decisions must be made to resist or respond favorably. While it is not possible to satisfy the demands of all people, publishers make a professional effort within the limits of responsible scholarship to deal with potentially controversial topics in a way which establishes some acceptable norm.

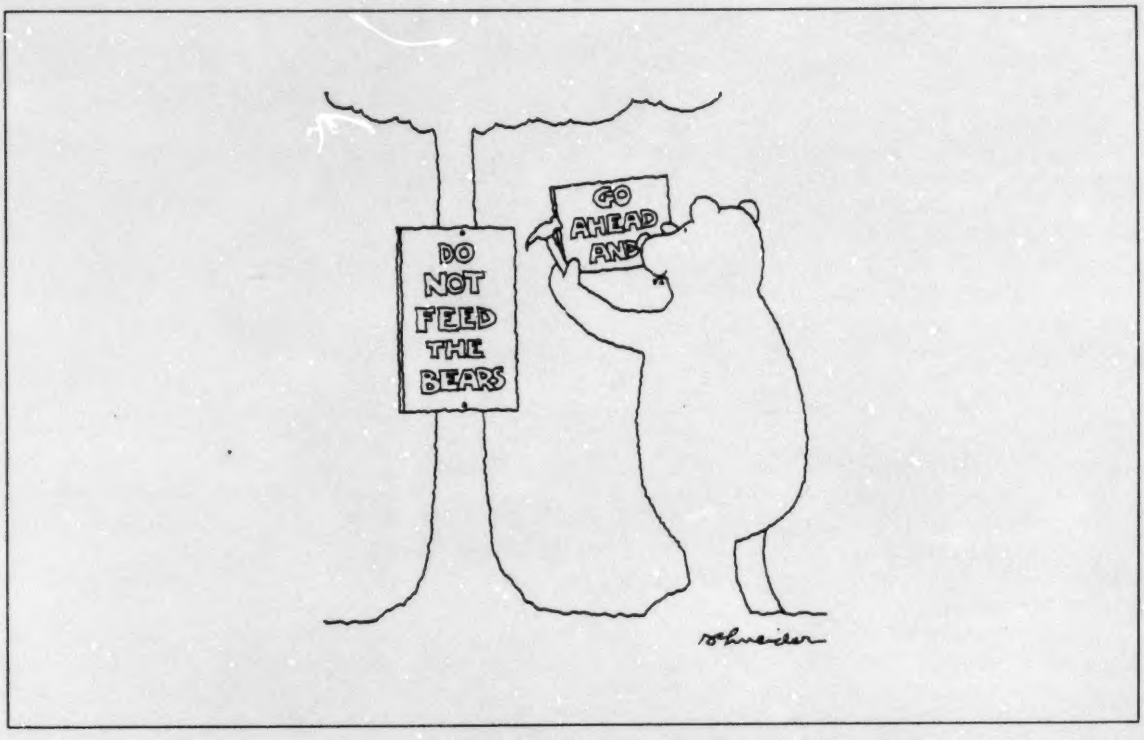
Paul Goldstein, a scholar who has studied textbook development, provides a viewpoint that differs somewhat in tone and emphasis from Rasmussen's statement. According to Goldstein, the adoption committees respond to conflicting pressures by selecting "materials that they believe are least likely to offend the holders of any particular view.... Schools select, and producers produce, materials that are not likely to upset the delicate balance reached among contending interests."

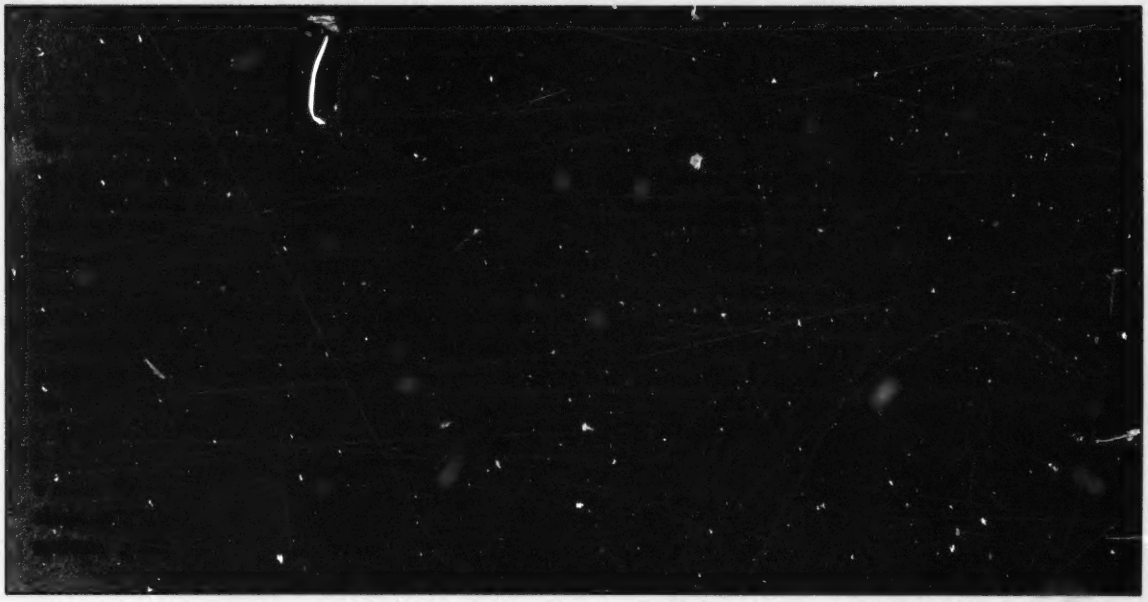
Textbook selection procedures, especially in the 22 adoption states, tend to buttress the established curriculum patterns. As Goldstein says: "The surest, least costly way to succeed with new materials is to follow the patterns successfully established by materials already in use."

In some adoption states, such as North Carolina, the established curriculum patterns include guidelines that emphasize major objectives of law-related education. In order to win adoption in North Carolina, textbooks in certain subjects (at the secondary grades, civics, American history, and government; at the elementary school level, the social studies sequence) must emphasize content that pertains to the LRE criteria.

This example indicates that a prime avenue to spreading law-related education in public elementary and secondary schools is to influence the criteria used by textbook adoption committees. State education agencies periodically review and revise guidelines used to screen and select books for the state list. Likewise local textbook selection committees regularly appraise the criteria used to evaluate and choose textbooks. Proponents of law-related education should seize opportunities to influence changes in local and state textbook adoption guidelines.

Textbook adoption procedures, at the state or local level, strongly influence textbook content. Whether in highly centralized adoption states or in open territories with greater latitude to pick textbooks, such as the Boston





Public Schools, established criteria guide the evaluation and selection of materials. Publishers strive to meet the established guidelines in order to sell their products. If textbook selection criteria emphasize law-related education, then the publishers certainly will feature lessons on law and citizenship in their textbooks. If the guidelines neglect LRE, or treat it superficially, a different signal is sent to the publishers, and the cause of law-related education suffers. Thus, the amount and quality of law-related education is linked to the criteria used to screen and select textbooks in courses such as civics, government, American history, and the social studies sequence in the elementary grades.

Conclusion

Curriculum materials are a critical element in K–12 social studies instruction today—both in curriculum planning and in day-to-day teaching and learning. Although a great variety of materials is available, most teachers use textbooks as the basis of instruction. A single text, or a very limited number of textbooks, dominates instruction at all grade levels. According to researcher Sherry Keith, "The basal text—whether it is locally or state adopted—will absorb all or most of the budget . . . as well as most of the students' learning time. Thus, the quality, content, and availability of basic textbooks will have a growing influence on the types of learning outcomes we can expect from students in the future."

Curriculum materials, particularly textbooks, are of great importance in social studies education. If the LRE in the schools is to be increased significantly, advocates must influence the content of textbooks. A key to changes in texts, of course, is the adoption process; the subject matter of the schoolbooks reflects national patterns in the public criteria used to evaluate and select them. Criteria used in the largest textbook markets, whether in adoption states or open territories, are of special significance.

Many experts argue that it is necessary to upgrade the standards and judgments of consumers in order to improve substantially the quality of textbooks. Bonnie Armbruster, a noted researcher on the development and use of textbooks, concludes: "When the market demands a different product, the publishers will deliver it. Those who hold the purse strings have to demand changes." Given this view, it would seem that advocates of law-related education should endeavor to influence "holders of the purse strings" to favor their goals.

Current efforts to improve the textbook adoption standards, and the ability of textbook adopters to use these standards, are consistent with the concerns of T. H. Bell, Bonnie Armbruster, Sherry Keith, and other educators concerned about the improvement of textbooks. At a recent meeting, leading educators representing all parts of the country agreed that teachers should be involved more extensively in textbook selection, in both the adoption states and open territories. The leaders also agreed that teachers must have more time, training, and expertise to be effective participants on textbook selection committees.

These views have influenced various groups to review and improve adoption criteria and to increase the abilities of school administrators and teachers to judge and select textbooks. At present, textbook adoption procedures are more open than usual to influence and change. This is the time to promote LRE by taking part in the on-going reforms of textbook adoption criteria and procedures.

John J. Patrick is a professor of education at Indiana University. He has written extensively on citizenship and social studies education.

TELL US ABOUT YOUR SUMMER PROGRAM

Each year YEFC is queried by lots of teachers looking for summer teacher education programs offered in their areas. The spring issue of LRE REPORT will list the summer programs taking place around the nation. Please tell us about your program so we can pass along the information. If your plans are tentative, please note this and we will list what you have so that teachers can follow-up at a later date. If you are planning any session between May 1 and early September, fill out the information requested below and send it to us no later than APRIL 5, 1985:

Name of institute or workshop: _____

_____

Dates and times: _____

Site: _____

_____

Grade levels emphasized: _____

Subject areas: _____

_____

_____

Will college or university credit be given: _____

Participants' costs: _____

_____

Who Should Interested People Contact For Further Information:

Name: _____

Organization: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: ( ) _____

Please return questionnaire to:
Youth Education for Citizenship, American Bar Association,
750 North Lake Shore Drive, Chicago, IL 60611

American Bar Association
750 N. Lake Shore Drive
Chicago, IL 60611

Non-Profit Organization
U.S. Postage
PAID
Chicago, Illinois
Permit No. 4661